

A closer look at limitations 30 min



RECOGNISING AND ANALYSING VIOLATIONS

ANALYSE

PLENARY EXERCISE

About the exercise

TARGET AUDIENCE

Any type of audience, however the exercise requires participants to have a basic prior understanding of freedom of religion or belief (FORB).

PURPOSE

- To help participants digest knowledge on legitimate limitations to FORB delivered in a preceding knowledge input.
- To give participants the opportunity to practice applying the skill of determining whether a limitation on FORB is legitimate or not, using a logical process provided in a tool.

DESCRIPTION

A plenary discussion exercise in which participants assess whether four short examples of limitations to FORB are legitimate or not according to international human rights law. Useful to use after an input on limitations to the right to enable participants to process their learning.

NOTE

This exercise works well as a follow-up to '[Dimensions of FORB](#)' on page 57, using the 20-min FORB Learning Platform 'Film 8: Limitations to freedom of religion or belief' as a knowledge input. Find the film and script at www.forb-learning.org/films/films-on-forb. If you prefer, you can develop your own knowledge input on limitations, for which you might find the script of the film helpful.



FILMS ON FORB

Instructions

RESOURCES

- One copy per participant of the [handout](#) 'How to determine whether a FORB limitation is legitimate – a tool for analysis'.
- PowerPoint slides or flipchart sheets with the following four short examples of limitations written up (or create your own).
 - Legislation on 'disturbing the peace' limits the volume at which public meetings including religious gatherings, calls to prayer etc. can be broadcast via loudspeakers.
 - A law requires converts to obtain permission 30 days prior to a conversion ceremony or face a fine.
 - A law requires religious communities to be registered with the state. Unregistered religious activity is illegal.
 - A new law bans teachers in state schools from wearing religious symbols while teaching.

Find the handout at www.forb-learning.org/limitations-analysis-tool.

ADVANCE PREPARATION

Refresh your knowledge about human rights and FORB so that you can explain the following concepts if needed:

- Absolute rights versus rights that can be limited.
- Legitimate grounds for limitations.
- Direct versus indirect discrimination.
- The margin of appreciation (particularly if you are conducting training in Europe).
- FORB as an individual right and as a collective right.

TIP! Watch the 8 explainer [films on FORB](#) or take a look in the [FORB library](#) to refresh and deepen your knowledge.

HOW TO INTRODUCE THE EXERCISE 4 MIN

Give each participant a copy of the [handout](#) ‘How to determine whether a FORB limitation is legitimate – a tool for analysis’. Explain the rules outlined one by one. Answer any questions the participants may have.

HOW TO RUN THE EXERCISE 25 MIN

Read out the first short example from your prepared PowerPoint slides or flipchart sheet.

In plenary, ask the participants to refer to the handout on rules and solicit opinions on whether the limitation is legitimate or not. Ask participants to share their reasoning.

Provide feedback on participants’ thoughts, making sure that you differentiate very clearly between what might be participants’ opinions on whether a certain limitation should be legitimate and when international human rights law states that it is legitimate.

Repeat the process with the other three examples.

HOW TO CONCLUDE THE EXERCISE 1 MIN

Conclude the exercise with the following reflections:

- One of the most important skills we need to have to work for FORB for all is the ability to recognise violations. That includes recognising when legal restrictions on FORB are illegitimate.
- It is useful to practice applying the skill of asking the right questions in a logical, step-by-step way to check if limitations are actually grounded in international human rights law. Otherwise, we risk assuming that a limitation must be necessary or that there is a good reason for it (especially if it doesn’t affect us). This is often what governments want us to believe!
- But be aware that these issues are complex and difficult. It is often a matter of interpretation, and the ‘margin of appreciation’ comes into play. As a reminder, that is the degree of discretion granted to national courts by international courts, on the basis that national authorities understand the national context best and are best placed to formulate national law. Some experts consider that courts give too wide a margin to states.



ALTERNATIVE METHODOLOGY

Rather than running this exercise as a plenary discussion, you can form small groups first and give one case study example to each group for discussion. Each group is then tasked to report back their conclusions in plenary, for discussion and feedback. If you choose this methodology, make sure you circulate between the groups and answer any questions they may have during their discussion. This methodology is best suited to groups of participants who have a good grounding in international human rights law as it can otherwise seem too daunting a task for some participants.

Source

SMC Faith in Development, <https://www.smc.global/en/>