

COVID-19: legitimate limitations? 2 h 10 min



RECOGNISING AND ANALYSING VIOLATIONS

CASE STUDY
GROUP EXERCISE

About the exercise

TARGET AUDIENCE

Any type of audience. The exercise requires participants to have a basic to good understanding of freedom of religion or belief (FORB), depending on the case studies chosen.

PURPOSE

- To help participants digest knowledge on legitimate limitations on FORB from a preceding knowledge input.
- To give participants the opportunity to work together to develop the skill of determining whether a limitation on FORB is legitimate or not, in the context of a public health emergency like the COVID-19 pandemic.
- To enable reflection on violations of FORB that may have taken place during the COVID-19 pandemic in the participants' context.

DESCRIPTION

A group discussion exercise based on case studies, designed to follow a knowledge input on legitimate limitations of FORB.

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 AND ADVANCE PREPARATION

- One copy per participant of the [handout](#) 'How to determine whether a FORB limitation is legitimate – a tool for analysis'.
- Read through the facilitators [annotated version](#) of the case studies on page 243 to help you choose your case studies and prepare your comments to follow the groupwork.
- Choose a different case study for each small group of 3-4 participants. There are six case studies available to choose from. Print out four copies of each case study [handout](#) chosen.
- Prepare a flipchart sheet or PowerPoint slide showing the discussion questions.
- Flipchart sheets and markers for each small group to record their discussions.
- (Optional) A projector and screen or laptops, smart phones etc for showing a short introductory film on FORB and the COVID-19 pandemic.

Find the case study and analysis tool handouts at www.forb-learning.org/exercises/covid-19. Find the film at www.osce.org/odihr/515060.



OPTIONAL EXTRA: BUILD YOUR CONFIDENCE!

Read-up on the impact of the pandemic with the Pew Forum report ‘[How COVID-19 Restrictions Affected Religious Groups Around the World in 2020](#)’. Available at www.forb-learning.org/exercises/covid-19.

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 limitations.
- Non-derogable rights.
- Direct versus indirect discrimination.
- FORB as an individual right and as a collective right.

TIP! Take a look in the [FORB Library](#) or watch the eight [explainer films](#) on FORB to refresh and deepen your knowledge of the right.

HOW TO INTRODUCE THE EXERCISE 12 MIN

Explain that the group is going to spend some time thinking about FORB and the COVID-19 pandemic, using this as a way to practice assessing whether limitations on FORB are legitimate or not. Then:

- (Optional) Show the short introductory film on the COVID-19 pandemic and FORB produced by the Organization for Security and Co-operation in Europe (subtitles available in English, French and Russian).
- Give each participant a copy of the handout ‘How to determine whether a FORB limitation is legitimate – a tool for analysis’. Briefly explain the rules outlined one by one. Answer questions participants may have but stick to the time frame!



FILMS ON FORB

HOW TO RUN THE EXERCISE 1 H 55 MIN

• **SMALL GROUP DISCUSSION ROUND 1** (20 MIN)

Form small groups of four (or no less than three per group). Give each group a different case study, giving each group member a copy. Make sure each group has a flipchart paper and pens. Explain that each group should read their case study and discuss the following questions (displayed on flipchart paper or a PowerPoint slide).

- Are the limitations imposed by the government legitimate?
- Are any punishments given for breaking regulations proportionate and non-discriminatory?
- Why / why not? List all the reasons you can think of.
- What other reflections do you have about this case?

Ask each group to appoint a note-taker and a presenter, who will have 5 minutes to present the conclusions of their group’s discussion.

• **GROUP FEEDBACK & PLENARY DISCUSSION** (45 MIN)

Invite each group to read out their case study and then present their findings (5 min per group). Remember to clap after each presentation! Invite the other participants to ask questions or make additional observations. Use the contents of the ‘facilitators notes’ in the case studies to help you make additional points and (where relevant) tell participants what happened next in relation to each case.

Add the following general points:

- As we have seen, some governments pro-actively used the opportunity the pandemic provided to limit rights unjustifiably and discriminate, particularly in relation to minorities. Similarly, in some countries, the pandemic led to an increase in social hostilities in the form of scapegoating, discrimination, hate speech and hate crimes towards minorities. Existing patterns of government and social restrictions, violence and discrimination have been exacerbated.

- Some other governments failed to ensure that FORB was adequately respected in their responses to the pandemic – for example introducing blanket bans on meetings regardless of size, situation or the precautions taken.
- It is important to note that FORB is a non-derogable right. This means that the right cannot be suspended during a state of emergency. The same grounds for limitations to FORB apply in an emergency as in any other situation. Public health is a legitimate ground for limitations and can be used in the case of COVID-19. However, governments must interpret the grounds for limitations of FORB strictly, ensuring measures taken are necessary and proportionate and non-discriminatory.
- The UN Office of the High Commissioner for Human Rights (OHCHR) issued a wide range of guidance on emergency measures and COVID-19 – for example saying: “Governments have to take difficult decisions in response to COVID-19. International law allows emergency measures in response to significant threats – but measures that restrict human rights should be proportionate to the evaluated risk, necessary and applied in a non-discriminatory way. This means having a specific focus and duration and taking the least intrusive approach possible to protect public health.”

TIP! Find OHCHR guidance at <https://www.ohchr.org/en/covid-19/covid-19-guidance>.

• **SMALL GROUP DISCUSSION ROUND 2** (20 MIN)

Ask participants to return to their small groups to discuss how COVID-19 affected the right to FORB in their context(s). Display and read out the following discussion questions:

- Were the limitations imposed on FORB during the COVID-19 pandemic in your context legitimate or not? Were they proportionate and necessary to achieve a legitimate aim? Were they applied without discrimination?
- Why / why not?
- Was there any rise in religious intolerance or hatred during the pandemic in your context, such as blaming particular religious or belief communities for the spread of the virus?
- Are there any positive examples about how issues relating to FORB were resolved in your context during the pandemic?

Ask each group to appoint a new note-taker and presenter, who will have 5 minutes to present the conclusions of their discussions back to the plenary.

• **GROUP FEEDBACK & BRIEF PLENARY DISCUSSION** (30 MIN)

Invite each spokesperson to present their findings (5 min/group). If the groups are all from the same context, ask each spokesperson to skip over points already made by previous groups. After all the groups have presented, very briefly mention any common themes that emerged and thank the participants for sharing their important insights.

HOW TO CONCLUDE THE EXERCISE 3 MIN

Conclude by saying something along the following lines:

The COVID-19 pandemic has been immensely challenging for all of us, including governments! Hopefully we can learn from this experience. COVID-19 will not be the last emergency the world faces. We all have a responsibility to monitor government responses to emergencies and to react when measures taken are disproportionate, unnecessary or discriminatory. For that reason, it is important to learn from the experiences of the COVID-19 pandemic, to know our rights and to understand the rules about limitations so we can apply them in future. Hopefully this exercise has helped us on the way.

Source

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