

# Know your rights!



QUIZ

## QUESTION 1

The local council is responsible for granting planning permission for new buildings.

The council is proposing to hold a public referendum whenever an application to build a place of worship is submitted. All those living within 1 kilometre of the proposed worship place will be entitled to vote 'yes' or 'no' to the application. Only applications receiving a majority 'yes' vote will be considered.

Is this proposal legitimate according to human rights?

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## ANSWER 1

This system is not legitimate. If a public vote resulted in any community not being allowed to build a place of worship, it would be an illegitimate limitation of their right to manifest religion – a rights violation.

Authorities responsible for planning permission applications are entitled to turn down applications for legitimate reasons, for example if the building planned is not fit for purpose or lacks sufficient access to parking or public transport. However, neither the government nor the population are entitled to deny people the right to collective worship and to have buildings for that purpose. Democracy without human rights leads to the tyranny of the majority.

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## QUESTION 2

A minority community has built a new place of worship. Extremist elements in the majority community have responded with violent protests every time the minority community holds a worship service. In order to protect public order and restore calm, the local authority has withdrawn planning permission for the new place of worship and barred the doors.

Are the local authority's actions legitimate according to human rights?

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## ANSWER 2

This is not a legitimate limitation to freedom of religion or belief. Public order is a legitimate ground for limitations. However, the peaceful minority community is not violating public order by holding worship services, so their rights should not be limited.

Instead, it is the duty of the government to protect the minority as they exercise their rights, to punish people who are break the law by protesting violently and to actively promote an understanding of the rights of the minority among the majority population. Giving in to violence to restore calm provides only a superficial appearance of harmony and in the long run breeds more violence.

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## QUESTION 3

In order to prevent the spread of COVID the government has banned all religious meetings regardless of the size of the place of worship. There is no restriction on travel and shops are allowed to have 1 customer per 4m<sup>2</sup> of shop footage.

Is this a legitimate limitation of freedom of religion or belief?

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## ANSWER 3

This is a question with no straight-forward answer! Public health is a legitimate ground for limiting the practice of religion and belief. Whether this particular limitation is a justifiable or not would depend on many contextual factors – both legal and cultural. For example, it might depend on the manner in which people interact at places of worship compared to the manner in which they interact at shops and on public transport. If religious gatherings involve much more close contact between people, stricter legislation may be justified.

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## QUESTION 4

At major festivals, places of worship are often overcrowded, violating fire regulations. The government has fined a religious community that allowed a dangerous number of people on the premises.

Are the fire regulations (and commensurate fines) a legitimate limitation of freedom of religion or belief?

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## ANSWER 4

This is a legitimate limitation. Fire regulations protect public health and a fine for breaking regulations is proportionate. However, care needs to be taken to ensure that all religious communities are treated equally in terms of whether or not they are fined for breaking the rules in practice and the level of such fines. Sometimes, there is discrimination in the implementation of legislation, even though the legislation itself appears justified and non-discriminatory.



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## QUESTION 5

Members of parliament have introduced legislation that would require all religious communities to use the majority language in public acts of worship.

Is this a legitimate limitation of freedom of religion or belief?

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## ANSWER 5

This is a clear violation of freedom of religion or belief of both individuals and religious communities. People have the right to gather for worship in whatever peaceful manner they wish, and this right can only be limited if there is a legitimate need to protect public order, health, safety, morals or the rights and freedoms of others.

The language spoken during worship does not relate to any permissible ground for limitation. This limitation would also make worship inaccessible to individuals who do not understand the majority language, for example migrants – a severe curtailment of their right to freedom of religion or belief.

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## QUESTION 6

A minority woman applying for a job working in a warehouse has been told that she won't get the job unless she changes the way she dresses to conform with majority religious norms.

Is this a legitimate limitation of freedom of religion or belief?

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## ANSWER 6

The right to dress as you please at work is not completely clear cut. There may be legitimate reasons for not allowing some forms of clothing – for example for not allowing a nurse to wear jewellery (e.g., a cross) as part of infection control measures (public health is a justifiable ground for limitations).

Private companies may also have a company profile that they legitimately want to promote – for example, a fashion shop may wish to require staff to wear their products. However, it is unlikely that working in a warehouse would require either high levels of infection control or involve customer contact. This is probably an example of discrimination on the basis of religion.

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## QUESTION 7

A husband is requiring his wife to wear conservative religious dress that she does not wish to wear. He is threatening to punish her if she disobeys him.

Is the husband's behaviour legitimate according to human rights?

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## ANSWER 7

The husband's behaviour is not legitimate. Women have the right to freedom of religion or belief. It is every woman's right to decide for herself how she wishes to observe her religion, just as it is every man's right.

States have a duty to protect women from domestic violence in line with every person's right to freedom from torture and cruel and degrading treatment and their right to life.

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## QUESTION 8

The law bans women from the majority religion from marrying men from minority religions. (However, minority women are allowed to marry majority men.)

Is this a legitimate limitation of rights?

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## ANSWER 8

This law discriminates both on the basis of religion and gender and violates the right of the individual to form a family. Whilst people are free to follow their religious and cultural norms regarding marriage within religions, the state does not have the right to hinder or punish people who don't wish to uphold such religious regulations.



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## QUESTION 9

A church school accepts students of all faiths but requires children of other faiths to participate in Christian worship and confessional religious education. There are no other schools offering quality education in the area. The government is introducing legislation that will enable parents/children to opt out of confessional religious activities.

Is this a legitimate limitation of the rights of the church school?

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## ANSWER 9

Children have the right to freedom of religion or belief and parents have the right to bring their children up in accordance with their beliefs. The school is effectively coercing parents and children into practicing religion with the threat of losing educational opportunities. Coercion in matters of religion is not allowed.

This is an example of clashing rights. The government legislation is an interference in the independence of the church running the school, but the government can justify this. The school's practices are being limited in order to protect the right of parents and children to have their religion or belief and to protect them from coercion.

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## QUESTION 10

In order to prevent religious extremism, the government has introduced legislation that requires all religious communities to register and that bans all unregistered communities from gathering for worship.

Is this legitimate according to human rights?

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## ANSWER 10

The state has a duty to enable religious and belief communities to gain legal identity so that they can sign contracts, for example to employ staff or hold property. Registration as a religious community is one such form of legal identity. However, every person has the right to arrange gatherings for worship (e.g., in the home, a rented venue or a consecrated place of worship) regardless of any status as registered or unregistered in the eyes of the state.

The right to meet for worship may not be limited as a matter of course, but only temporarily and in exceptional circumstances to protect legitimate public interests, such as protect public health. All laws that require state approval prior to religious activities taking place and punish unregistered peaceful religious activities are illegitimate. Such legislation is usually accompanied by discrimination in the granting of registration.