Suggested questions for a FORB context analysis

This document provides a framework of questions that can help you to develop a context analysis relating to Freedom of religion or belief (FORB) that encompasses different aspects of the right and gender dimensions of the right.

### Guidance on using the questions

First read the questions and then read a number of sources of information regarding the state of freedom of religion or belief in your country. As you are reading, makes notes beside the questions and then compile a summary of the state of FORB in your country. Please note that not all questions are relevant in all contexts. Reading the list of questions below will, however, help you to identify which questions are relevant to your context and work, as well as raising your general awareness of the types of issues to watch out for, including the gender dimensions of the right.

In analyzing FORB, it is important to consider both legal restrictions of the right (including family and personal identity law) and the restrictions/violations that are, in practice, placed on people by authorities and by members of the family, community or extremist groups. It is also important to be aware of the legitimate limitations to FORB provided for in international law. The absolute right to have or change your religion or belief may never be limited. Any limitations to the right to manifest religion or belief must be:

* prescribed by law.
* necessary to protect one of the following grounds: public safety, order, health or morals or the rights and freedoms of others.
* non-discriminatory.
* proportionate to the problem they are meant to solve.

National security is not a legitimate ground for limitation of freedom of religion or belief (unlike freedom of expression). FORB is also a non-derogable right – no additional limitations to the above are permitted during a state of emergency. There is a limit to how much you can convey in one session. Which are key contents/messages your participants need to know about/reflect upon?

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| **Theme 1. The right to have or change your religion or belief** | |
| Are there legal limitations to this absolute right? For example, are any groups banned or is the right to convert or adopt atheistic beliefs limited? |  |
| Is inter-religious marriage permitted or is one spouse required to convert? Is divorce permitted for all groups, (unequal divorce rights can make conversion the only means to escape marriage)? Are marriages dissolved when one spouse converts and how does conversion affect custody rights? |  |
| Are there social hostilities such as discrimination or violence (including honour based and extremist violence) connected to having, changing or leaving a particular religion or belief? Are men and women affected differently by this? |  |
| Are people required to reveal/register their religion, e.g. on ID cards? Does everyone have the same opportunity to change their religious affiliation on their ID card in case of a conversion? |  |

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| **Theme 2: The right to manifest religion or belief in worship, observance, teaching and practise** | |
| Is unregistered religious or belief activity illegal or restricted? |  |
| Are existing registration requirements for religious communities reasonable and are all groups that wish to register able to do so? |  |
| Are there restrictions on where religious activities may take place (eg registered place of worship)?  Are there sufficient and equal rights to build, rent and maintain places of worship? Are minority groups able to get planning permission in practice? Has the state confiscated, closed or demolished places of worship?  Is there public opposition/hostility to minority places of worship? |  |
| Is blasphemy prohibited? Are people free to speak about religion or beliefs to others, including the right to try and convince others of the truth of their religious/atheistic beliefs and the right to criticize religions or beliefs? Do people face social hostility or attack for expressing beliefs? |  |
| Is religious or belief literature censored/banned? |  |
| Are any religious practices obligatory or banned, for example the wearing of religious clothing, participation in religious rites in schools or prayer in workplaces? |  |
| Does the state or families/communities limit women’s participation in certain rites, their access to places of worship or their opportunity to study religion and lead religious communities? |  |
| Does the state interfere in religious communities’ choice of religious leaders and in the work of religious leaders, for example interference in the training and appointment of clerics such as requiring government approval, strict instructions about what may be preached. |  |

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| **Theme 3: The state’s duty to protect citizens from coercion/violence in matters of freedom of religion or belief** | |
| Are religious or belief activities/ places of worship the target of mob or terrorist violence?  Are hate crimes related to religion such as attacks on clerics, followers or their belongings common?  Are individuals who leave a religion the target of violence?  Does the state take adequate measures to prevent this and provide protection and justice? |  |
| Are there significant problems with hate speech, false rumours and stereotypes? Is the portrayal of the religious other in the media and/or in school textbooks problematic? |  |
| Does the state enforce religious laws that violate human rights? (e.g. religious family laws that discriminate on the basis of gender) |  |
| Do individuals, particularly women, face societal coercion to practice or refrain from practicing religion, or to follow religiously motivated codes of conduct? Does the state take measures to counter this? |  |

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| **Theme 4: The state’s duty to protect citizens from discrimination on the basis of religion or belief** | |
| Does the state show favouritism towards a particular religion or belief in a way that disadvantages other groups? |  |
| Are there limitations on the social, economic or civil rights of members of any groups – for example rights to employment, career possibilities, housing equal treatment in access to justice, social benefits, health care and education? Is there any difference between men and women? |  |
| Is social and economic discrimination on the basis of religion or belief widespread in society? In what ways? Are men and women affected differently?  Does the state take measures to counter this? |  |

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| **Theme 5: The right of parents to bring children up in accordance with their beliefs and in a manner that respects the child’s growing capacity to make independent decisions** | |
| Is school teaching on religion or belief confessional? Are exemptions to confessional religious education made available, both in principle and in practice, to all children/parents who do not wish to participate in it? |  |
| How are religious and belief minorities and their history in the country portrayed in textbooks? |  |

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| If one party to a marriage converts, are children automatically re-registered (converted) by the state without the permission of the other spouse? Can children refuse to be re-registered, at what age? |  |
| Are children banned from participating in religious activities? |  |

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| **Theme 6: The right to conscientious objection to military service** | |
| If there is compulsory military service, are there reasonable exemptions for conscientious objectors? Are any objectors imprisoned or otherwise punished? |  |