

30 ARTICLES ON THE 30 ARTICLES

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AT 70: STILL WORKING TO ENSURE FREEDOM, EQUALITY AND DIGNITY FOR ALL

Article 18: Freedom of Religion or Belief

Article 18 of the Universal Declaration of Human Rights (UDHR) says we all have the right to our own beliefs, to have a religion, have no religion, or to change it. For its time, the UDHR was very progressive in asserting that believers of all religions and secular beliefs should be able to live peacefully with their rights guaranteed by the State, while not presuming any national or state-sponsored religion.

Article 18 protects theistic, non-theistic and atheistic believers as well as those who do not profess any religion or belief. Less well known is the role that religious organisations played in launching and sustaining the human rights movement. In South Asia, Hinduism inspired Mahatma Gandhi's long march for the liberation of India. Protestant Christians led the fight to abolish slavery in the UK and US in the 19th century. Roman Catholics in Poland and Lutherans in East Germany were at the vanguard of fighting authoritarianism at the end of the 20th century, and Roman Catholics in Latin America pressed for social justice with their "liberation theology."

"The obligation of the state is to guarantee freedom of religion, and that implies dealing with all of them on an equal footing."

—Former Cuban foreign minister
Ricardo Alarcón

As former UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein pointed out, "religious leaders, with their considerable influence on the hearts and minds of millions of people, are potentially very important human rights actors."

However, religions and human rights are often viewed as conflicting with each other, with debates raging in Western Europe over whether women should be allowed to wear headscarves, and blasphemy laws are reportedly misused in parts of Asia to settle personal grudges. Some argue there needs to be not only freedom *of* religion but also freedom *from* religion, particularly when it is cited as justification for discriminatory or even harmful practices against women.

Various UN human rights bodies have frequently raised issues related to religious diversity. The UN Committee on the Elimination of Discrimination against Women, to give just one example, recommended that Nigeria repeal or amend its discriminatory laws, and include religious leaders in the process of addressing issues of faith and human rights.

To explore potentially positive connections between religions and human rights, the UN Human Rights Office in 2017 launched an initiative called “Faith for Rights” to engage religious leaders in an effort to build peaceful societies that uphold human dignity and equality, and embrace diversity. The campaign began with a groundbreaking agreement, reached at a meeting in Beirut, on 18 commitments articulating how “Faith” can more effectively stand up for “Rights” so that supporters of both can help, rather than oppose, each other. The commitments include a pledge to defend the freedom of religion or belief of minorities as well as their right to participate equally and effectively in cultural, religious, social, economic and public life. Subsequent events in Morocco, Tunisia and Mauritania focused on the role of religious leaders, women and youth in the promotion of human rights in the Middle East and North Africa.

The UN Human Rights Committee has emphasized that domestic laws must not punish criticism of religious leaders or prevent commentary on religious doctrine and tenets of faith. Analysis by the Pew Research Center shows that about one-quarter of the world’s countries and territories had anti-blasphemy laws or policies in 2014, the last year for which figures are available. Some 13 percent had laws or policies penalizing apostasy, in some cases making it punishable by death. Some of the most restrictive countries are also among the most populous, with the result that roughly three-quarters of the world’s population are living under severe restrictions.

In 2018, Pakistan’s Supreme Court acquitted a Christian woman, Asia Bibi, of blasphemy charges and overturned her death sentence after determining she had been falsely accused by Muslim women who did not want her to drink water from the same cup as them. Her case is one of the best-known examples of how blasphemy laws can all too easily be used to pursue private vendettas, and the Supreme Court decision has led to riots by people who insist Asia Bibi should be put to death.

The protection of the right to change religion – labelled apostasy in some countries – caused divisions among the drafters of the UDHR. Saudi Arabia abstained in the final vote on the UDHR because of this clause, but other Muslim-majority countries such as Syria, Iran, Turkey and Pakistan voted for the Declaration. Just before the proclamation of the UDHR on 10 December 1948, the former Foreign Minister of Pakistan stressed that Islam strives “to persuade men to change their faith and alter their way of living, so as to follow the faith and way of living it preached, but it recognized the same right of conversion for other religions as for itself.”

“You can’t deny women their basic rights and pretend it’s about your ‘religious freedom’... Religious freedom doesn’t mean you can force others to live by your own beliefs.”

–Former U.S. President Barack Obama

In some countries, the establishment of secular norms has sometimes clashed with new residents bringing different cultures and religions. In July 2018, in two landmark decisions, the UN Human Rights Committee found France had violated the rights of two women by fining them for wearing the niqab, a full-body Islamic veil.

Courts in many countries have also made it clear that religious belief is not a license to spread hatred, or even commit violence, against followers of other faiths. It is also not a license to suppress or discriminate against women. In the words of Asma Jahangir, the former UN Special Rapporteur on freedom of religion or belief and winner

(posthumously) of the 2018 UN Human Rights Prize: “It can no longer be taboo to demand that women’s rights take priority over intolerant beliefs that are used to justify gender discrimination.”

This is one in a series of articles published by the Office of the High Commissioner for Human Rights (OHCHR) to mark the 70th anniversary of adoption of the Universal Declaration of Human Rights on 10 December 1948. All rights enshrined in the UDHR are connected to each other, and all are equally important.

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