

## WHAT IS FREEDOM OF RELIGION OR BELIEF?

*This information sheet is part of a wider series which includes ‘Why is FoRB Important’ and ‘Using Parliamentary Mechanisms to Advocate for FoRB’.*

The right to freedom of thought, conscience, religion or belief, commonly referred to as ‘**freedom of religion or belief**’ (FoRB), is a fundamental and universal human right articulated in Article 18 of the Universal Declaration of Human Rights (UDHR). [Article 18 of the Universal Declaration on Human Rights](#) asserts:

*“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”*

[The International Covenant on Civil and Political Rights](#), ratified by over 173 countries, states:

*“Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” (Article 18.1)*

FoRB is a **human right** that we all equally have as members of the human family. It is an important right that protects our freedoms, based on **the conscience and reason** humans are blessed with.

Being free to hold and practice our religious or non-religious beliefs is the foundation for the free, **just and peaceful societies** we all seek.

Countries are obligated to make sure that there is no **discrimination** or **violence** in law, policy or practice because of religion or belief, no matter who the perpetrator is. If someone targets another person because of their religion or belief, or their own religion or beliefs, this is a **violation** of the right to FoRB.

Across the globe, by 2008, around 95% of countries had made promises to protect FoRB in their Constitution.

Almost every African nation protects FoRB within the human rights provisions of their constitution.

**All African nations** have agreed that this human right is important and signed legally-binding International and African agreements to say so.

The [Banjul Charter \(African Charter on Human and People’s Rights\)](#) states that:

*“Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.” (Article 8)*

**FoRB violations** can range from experiencing the discriminatory impacts of a certain law or policy, to experiencing systematic targeting because of your religion or beliefs. Many small violations or inequalities can accumulate to become persecution and even lead to genocide. The [Fez Plan of Action](#) seeks to prevent genocide from occurring.

## FORB'S SCOPE

**The UN Special Rapporteur on Freedom of Religion or Belief's reports provide information on global FoRB violations and interconnected human rights and other issues.**

The right to freedom of thought, conscience, religion or belief is far-reaching and has many internal/private ('*forum internum*') and external/public ('*forum externum*') aspects.

The **right to have and to change deeply held inner convictions and beliefs** based on conscience is an inalienable right. This means that there are no circumstances under which this freedom can be justifiably violated or limited, including for reasons of national security or in an emergency

FoRB includes **holding beliefs that are seen as disagreeable, or even offensive**. It protects the right to have a religion or belief of your choice, the right to change or not to have a religion or belief, free from coercion.

In public settings individuals have a **right to manifest or outwardly display their religion or belief** too, either alone or as part of a community. FoRB protects **the right to practice religion or belief through teaching, worship, practice, and other forms of observance**.

**FoRB is closely intertwined, interrelated and interdependent with other human rights. Other rights, including the right to equality and non-discrimination and the right to education, must also be equally protected.**

For example, parents have the right to give their **children** religious and moral education in accordance with their own beliefs and the best interests of the child, consistent with the child's development and not harmful to their physical or mental health. The right to **conscientious objection** and the right to **equal access to health care** intersect with freedom of religion or belief and other human rights.

Because of its intersections with other human rights, FoRB is protected in **legally-binding covenants** including:

The [International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#), The [Convention on the Rights of the Child \(CRC\)](#), The [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#). Non-legally-binding declarations sustain **international norms**, such as The [UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities](#)

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FoRB includes the right **to share one's religion or belief with others**, to encourage others— without coercion—to adopt similar religious beliefs, and to publish and distribute literature and other forms of information about a religion or belief.

It also includes **the right to own and use buildings for worship, and to express a religion or belief through clothing, rituals, and symbols**. The [UN Human Rights Committee's General Comment 22](#) and the [1981 Declaration on the Elimination of Intolerance & Discrimination based on Religion or Belief](#) gives more detail.

Some religious or belief communities may also experience more social, economic, political, or other inequalities compared to others because of their religion/belief. These are also FoRB violations.

Other aspects of people's identity—such as gender, age or ethnicity—often intersect with their religious/belief identity to make their experiences of discrimination or violence worse. Not addressing known discrimination and inequalities is also a violation of FoRB.

### Justifiable Limitations

The right to **FoRB is not unlimited**. FoRB can be limited by the state, *but* only in exceptional situations, *and* with a high threshold of evidence required from those seeking to enforce limitations.

Restrictions are only justified if “limitations are prescribed by law *and* are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others” ([General Comment 22, UN Human Rights Committee](#)).

FoRB does **not** protect harming others, including through physical or psychological force or coercion. This includes limiting freedom of religion/belief by restricting access to healthcare, education or employment based on an individual's religion or belief.

### Common Misconceptions

1. FoRB is *not* just about interfaith harmony. *FoRB* is a dynamic rather than a static right. It permits people to change their religion or belief, supports diversity and provides the legal basis for human rights for all.
2. *FoRB* is *not* an *exclusively Western or Christian* concept. Its ideas can be found in many non-Western religious and philosophical traditions which have elevated human dignity and respect between people of different beliefs for centuries
3. *FoRB* is *not* about the *removal of religion from the public space* or enforcing privatisation of religion. FoRB does, however, necessitate that States are impartial and do not privilege or favour any particular religious or belief community.

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4. *FoRB does not protect religions themselves, nor their God(s), Prophets or sacred texts.* FoRB protects human beings – the humans who hold religious or non-religious beliefs themselves. It does not protect ideas or doctrines or give groups the right to control followers and force what ideas and doctrines they follow.
5. *FoRB does not give the right to punish people for criticising religions and beliefs.* Laws that restrict ‘critical’ expression and ban ‘blasphemy’ or ‘defamation’ of religion have invariably caused suffering to those accused. FoRB offers protections against such suffering.
6. FoRB does not trump *every other right*. All rights within the Universal Declaration of Human Rights (UDHR), including FoRB, are interdependent rights. There is no hierarchy of human rights. FoRB is no more or less important than rights including freedom of assembly, expression, association, movement and freedom from discrimination.

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