

Religious Freedom Assessment Tools¹

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Introduction

The concept of religious freedom highlights the dialectical tension between religious belief and religious persecution. In principle, the aim of religious freedom seeks to remove intolerance, discrimination, hostility, and religiously motivated violence against religious minorities. These tensions are possibly rooted in secularism and different religious beliefs and practices amongst the divergent groups of societies. This range of factors implies that different religious expressions and beliefs creates different identities built upon the lack of the common denominator of respect and tolerance. Therefore, the conception of religious freedom is inherently pluralistic and multidimensional. It is also a core human right. Religious freedom has to be a human right in order to protect the dignity of individuals against threats, intolerance and persecution. Thus, safeguarding individuals' right to hold and express any religious belief, to dissent from the majority religion or position in society or, simply, not to have any belief at all is of paramount importance.

The measurement of religious persecution can be problematic. There are several religious assessment tools constructed with the aim of measuring the level of religious persecution in different countries. These tools face several shortcomings. Indeed, they “tend to be rather narrowly focused. They assess such matters as the freedom to hold religious gatherings, the freedom to wear religious symbols, the right not to be jailed for one’s faith, etc. However, religious persecution is not merely a matter of states behaving well. Religious persecution has all kinds of non-state dimensions: religious persecution could occur in schools, in families, in businesses, etc.”² This

¹ Translated into Spanish by the Observatory of Religious Freedom in Latin America.

² Petri, D. & Visscher, Frans. Revisiting Sphere Sovereignty to Interpret Restrictions on Religious Freedom. *Philosophia Reformata* 80 (2015) 99-122 p. 1.

paper examines these religious freedom assessment tools, and, to this end, it is divided into four parts. Part I focusses on presenting different perspectives of religious freedom as a concept. It also explores the multidimensionality of the notion. Part II focusses on the religious freedom assessment tools themselves as methods of measuring religious freedom violations. Part III focusses on specifically presenting some empirical evidence concerning religious freedom violations in Latin America. Part IV focusses on the practical tools employed to build the resilience of vulnerable religious communities. Finally, the paper presents the conclusions.

Chapter I

I. Perspectives of Religious Freedom and Multidimensionality of the Concept

1.1 Religious freedom from a human rights perspective

Religious beliefs and freedom to practice religion do not yet coincide in many countries around the world. They have constitutional provisions which, theoretically, protect religious freedom and, yet, their institutional backing sharply contrasts with the common practice of the violation of religious rights. This practice includes, amongst other things, forced conversions, defamation, and blasphemy and apostasy laws. Needless to say, these violations challenge human rights instruments since they take place at the intersection of the sphere of religion and binding international human rights norms. These interconnected factors lead to the notion of religious freedom enshrined in the commonly accepted legal framework of human rights instruments.

Accordingly, the modern foundational guarantees of religious freedom as a human right are consecrated in the 1948 Universal Declaration of Human Rights (UDHR). Subsequent international norms seeking to protect religious freedom have been built upon these foundational guarantees. Article 18 of the UDHR is the main provision concerning religious freedom. According to this provision, *“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.”*³ The religious provision of the UDHR is commonly accepted and it has been pretty much ratified by all nations in the world, including various serious violators of human rights.

However, the UDHR is only a declaration and, in that sense, it has great moral value or authority but, the declaration constitutes a compromise rather than reflecting a solid common understanding of freedom of religion amongst states. The shift occurred when the UDHR was later transferred into codified law. Consequently, the International Covenant on Civil and Political Rights (ICCPR), a binding international treaty, guarantees, with a light modification, the same human rights listed in the UDHR. Countries that are signatories of the ICCPR must enforce its rules, at least in theory, in the context of national legislation.

Article 18 of the ICCPR, also enshrined in Article 12 of the American Convention on Human Rights, is the explicit provision that protects religious freedom. Article 18 safeguards against the imposition of aggressive secularism and religious intolerance: *“1. everyone shall have the right to*

³ Article 12 on Freedom of Conscience and Religion: 1. “Everyone has the right to freedom of conscience and of religion. This right includes freedom to maintain or to change one's religion or beliefs, and freedom to profess or disseminate one's religion or beliefs, either individually or together with others, in public or in private. 2. No one shall be subject to restrictions that might impair his freedom to maintain or to change his religion or beliefs. 3. Freedom to manifest one's religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals, or the rights or freedoms of others. 4. Parents or guardians, as the case may be, have the right to provide for the religious and moral education of their children or wards that is in accord with their own convictions.”

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.”

These provisions ban intolerance, discrimination and religiously motivated violence and are complemented by Article 12 of the ICCPR. Article 12 specifies that, “*No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.*” The prohibition is reinforced by Article 20(2) of the ICCPR: “*Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.*” It is also reinforced by Article 26: “*All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*”

Restrictions on freedom of religion are only permitted under the following circumstances: “*3 Freedom to manifest one's religion or beliefs may be subject only to such limitations as prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.*” What is important to stress here is that the rights to equality and non-discrimination have the character of *jus cogens* in international law. These rights are stipulated in all human rights instruments and their *jus cogens* status is made explicit in Article 4(1) of the ICCPR.⁴

The Human Rights Committee of the United Nations (UNHRC) concurs. The Committee has affirmed in different comments the *jus cogens* character of the human rights norms that protects religious freedom. Those comments are a guide for a correct interpretation of those human rights. In fact, the UNHRC, in its General Comment No 22 of the ICCPR, has stated that the fundamental character of the freedoms enshrined in Article 18(1). According to the Committee, this “*provision cannot be derogated from, even in time of public emergency, as stated in article 4.2 of the Covenant.*” This imperative norm is extremely important because there is no reason whatsoever to restrict, or derogate, religious freedom from a human rights perspective; derogation can only be justified under the exceptional circumstances stipulated in Article 18.

Furthermore, in order to avoid gaps and ensure the respect for the personal and intellectual integrity of people, religious freedoms are protected unconditionally. In other words, the scope of protection must not be bound by limitations on the freedom of thought and conscience or on the freedom to adopt a religion or belief of one's choice. Belief and religion must be broadly construed. Therefore, “*the right to freedom of thought, conscience and religion (which includes the freedom to hold beliefs) ... is far-reaching and profound; it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others.*”⁵ The Committee also states that Article 18 “*protects theistic, non-*

⁴ Arauz Canton. Análisis semanal 201: ¿Por qué Costa Rica Necesita la Convención Americana de Derechos Humanos?. (March 12, 2018). Observatorio de la Política Internacional. <https://opi.ucr.ac.cr/node/1089>

⁵ See Article 18 of the ICCPR and Human Rights Committee, General Comment No. 22, UN Doc A/48/40, Vol. I, Annex VI, p. 2.

*theistic and atheistic beliefs, as well as the right not to profess any religion or belief” and it “is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions.”*⁶ In line with this position, religious freedom embraces acceptance of believers of traditional and non-traditional religions, members of large and small communities, minorities, minorities within minorities, converts or re-converts and dissenters from the majority position.

As a broad notion of religious freedom it also involves the right to worship privately and publicly, individually or collectively and other critical opinions and expressions. In practical terms, it is expressing, living, adopting or changing worship or religion. Religious freedom has a transcendental aspect to it and cuts through all the spheres of life, including the protection of other human rights norms. Certainly, the degree of respect for religious freedom in countries is often considered as a gauge of the overall respect for human rights in a country, precisely because religious freedom involves so many other human rights. In other words, freedom of religion or belief is a core human right underpinned by many others; and if religious freedom is undermined the others are equally under attack. For religious freedom to function, freedom of conscience, freedom of association, freedom of assembly, freedom of expression also need to be guaranteed. This protection includes the respect for the liberty of parents to ensure the religious and moral education of their children. This argument leads to the next fundamental point.

Article 26(3) of the UDHR regulates that *“parents have a prior right to choose the kind of education that shall be given to their children.”* Article 18 (4) of the ICCPR takes this right one step further. According to this provision *“the States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”* The implication of this rule is threefold. First, education is a prerogative of parents and parents have an absolute right to raise their children in agreement to the religion that they profess. Second, Article 26(3) ensures the freedom to teach a religion or belief stated in Article 18(1) of the ICCPR.

Consequently, *“public education that includes instruction in a particular religion or belief is inconsistent with article 18(4) [of the Covenant] unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians.”*⁷ Third, the practice and teaching of religion or belief by religious groups includes exerting acts needed for the conduction of their basic religious affairs. This is the concept of church autonomy or religious autonomy and embraces rights such as the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications. In contrast, a considerable level of regulation of religion implies a violation of religion freedom. In every country religion is regulated, but in some instances regulations restrict religious freedom or church autonomy, in contravention of Article 18 of the ICCPR.

In addition, and as implied before, increasing secularism can enter into conflict with this norm. Secularists can go as far as to say that children should not be educated in the religion of their parents. They defend the postulates of a neutral education and the notion that children themselves

⁶ Human Rights Committee, General Comment No. 22, UN Doc A/48/40, Vol. I, Annex VI, p. 2.

⁷ Human Rights Committee, General Comment No. 22, UN Doc A/48/40, Vol. I, Annex VI, p. 2.

should decide which religion to follow. These arguments are in clear contradiction of Article 18(4) of the ICCPR.

The next conflicting aspect which challenges the universality of religious freedom, as a human right, posed by secularism and intolerant societies is the protection of minorities. This is an increasing problem. For example, Cuba has not ratified the ICCPR yet religious groups remain unprotected. According to the Cuban government the revolution of 1959 brought civil and political rights.⁸ In the government's view there is no reason for signing this treaty even though Cuba's human rights record is not impressive at all. Effectively, in Cuba, *"the persecution of religious organizations have been driven by the government. Although its constitution guarantees freedom of religion, it has a caveat that this can be restricted if it does not align with the socialist objectives. Today, Cuban Government continues to severely restrict religious liberty. Churches must be registered in order to import religious material, meet in houses authorized for worship, or travel abroad for religious purposes. No Protestant religious schools are allowed and the Jehovah's Witness' and Mormons have yet to receive recognition by the government."*⁹

How then do human rights norms and religious freedoms relate to the specific issue of protecting the rights of religious minorities? How does the state protect religious minorities within a majoritarian religious culture from a human rights perspective? How does the state constrain discrimination and antireligious practices within the same minorities against dissident members?

Simply put, how does the state stop religious persecution?¹⁰ These questions are easy to formulate but difficult to answer. From a human rights normative perspective these rights are enshrined in various sections of the UDHR, the ICCPR, the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief (DEID), amongst other instruments. In particular Article 27 of the ICCPR is important to cite due to the explicit binding character of the provision. This rule states that *"in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."*

From the substantive content of Article 27 two observations must be made. The first comment is concerned with the language used in the regulation. The provision uses the notion of existing religious or linguistic minorities within a state. However, it does not define the notion. Therefore, within this context, the question of what constitutes ethnic, religious or linguistic minorities becomes relevant. The categories can overlap but not necessarily. Moreover, even though it has been acknowledged that the existence of a religious minority is a question of fact, to be determined by an objective criteria, and does not depend on any political or legal determination made by a

⁸ For a "general overview of persecution of Christians in Latin America see Petri, Dennis P. & Muga, Rossana, ["General overview of persecution of Christians in Latin America."](#) Observatory of Religious Freedom in Latin America, Essay #2, 18 March 2018.

⁹ Dennis P. Petri (2015). "Challenges to religious freedom in the Americas" Testimony before the Subcommittee on the Western Hemisphere, House Committee on Foreign Affairs, p. 3.

¹⁰ WWL defines "persecution" as "any hostility experienced as a result of one's identification with Christ. This can include hostile attitudes, words and actions towards Christians;" see Open Doors International, "World Watch List Methodology".

state, it seems that there is disagreement as to what exactly constitutes a religious minority.¹¹ It is not the objective of this section to enter into the debate surrounding the definition of what is a religious minority.

The second observation is related to the scope of protection conferred by Article 27 for the identity of minorities. Then the relevant questions are, how Article 27 relates to Article 18? Does Article 27 have an independent substantive content and legal significance that goes beyond the scope of protection guaranteed by Article 18? Is the purpose of Article 27 to guarantee collective rights to a minority or to the members of a religious minority? In the light of these reflections, we notice that the scope of protection of the provision refers to “*persons belonging to minorities*” to whom “*shall not be denied the right, in community with the other members of their group to enjoy their own culture, to profess and practice their own religion, or to use their own language.*” Clearly, it seems that the scope of protection is guaranteed for the individual rights of persons belonging to minorities but not for minorities’ collective rights as such. In line with this interpretation Article 27 protects the religious rights of individuals. In contrast, rights promised to, or claimed by a religious, ethnic, or linguistic minority, made on the basis of this norm, must be constructed on the respect for individual rights. Here what is important is that people belonging to minorities should not be denied their right in community, with the other members of their group to enjoy their own culture, to profess and practice their own religion or to use their own language.

Another substantive aspect concerning Article 27 is that this rule is grounded on the basis of the values of tolerance and autonomy of minority groups. Indeed, in relation to tolerance, Article 27 could be used as a justification for imposing restrictions by minority groups on their own members on the grounds of preserving their own religious beliefs or practices. Religious freedom within a minority could become a problem for dissenting individual members. This action would contravene human rights since the right of religious freedom of an individual is repressed by a minority group who sees Article 27 as a source of collective rights. Individual religious freedom remains protected by Article 18 and must not conflict with the collective interests of the community; if an individual decides to change his ancestral religion for a different one the person should do so without facing accusations of being a threat to the preservation of that indigenous community and its culture. Does this mean that Article 27 conflicts with Article 18? This question raises the issue of autonomy.

There should not be a contradiction between Article 18 and Article 27. They complement each other. Human rights clearly protect the dignity of the individual and community or groups as holders of human rights are highly controversial in international human rights law. Truly Article 27 has also been constructed on the basis of autonomy. The provision entails the state to ensure that all persons have the liberties and resources needed to make informed decisions about the good life, including the right to question and revise traditional practices. The individual orientation of Article 27 indicates that members of religious minorities will always be protected from discrimination by the state or dominant religious groups on the basis of their membership to their own ethnic, linguistic, or religious minority. However, this protection is premised on the

¹¹ See General Comment No. 23 (50) on Art. 27, para. 5.2 of the ICCPR, adopted by the UN Human Rights Committee on 6 April 1994, UN Doc. CCPR/C/21/Rev.1/Add.5 (1994); *See also* Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities, UN Doc. E/CN.4/Sub.2/384/Rev I (1979), reprinted as UN Pub. E.78.XIV.1 (1979)

assumption that individuals have the right to choose whether or not to be a member of the group and that this is not a decision for the minority group itself. In other words, there must be a right of exit.¹² If Article 27 is interpreted as granting collective rights to minority groups then these rights are predicated on the basis of the individual rights. Whether Article 27 is understood to grant collective or individual rights, its main purpose over and above the protection accorded to individuals under Article 18, is to require the state to adopt “positive measures” of protection such as may be necessary to protect the identity of the minority.

Clearly there is a large degree of protection of minorities’ culture. All the positive measures adopted by the state must be consistent with the principles of no discrimination and equality stated by human rights instruments. The commitments contracted by states under Article 27 signify that states must ensure that the privileges and benefits granted to minority religions are similar to those provided to the majority religion. Article 27, in conjunction with the principles of no discrimination and equality, ensures that a person can exercise his or her right of religious freedom within an ethnic, religious and linguistic community whilst the interests of the minorities as a whole are protected.

However, the implementation of Article 27 faces challenges. The concepts of a minority who adheres to a different religion within another minority or a majority religious culture or a minority within an ethnic minority could be perceived as a risk. As result of this conundrum, balancing individual rights against the collective interests of a community is a test for defending and respecting religious freedom. This is certainly the case in certain Latin American countries. Balancing individual rights against the collective dimension of rights of a minority is a difficult task to achieve. The focus of international organizations and international NGOs is primarily on the collective protection of minorities. These organizations give considerably less attention to the human rights of persons within a community. Balancing and respecting diversity among human beings, all of whom are holders of universal human rights, impacts on the dimensions of religious freedom.

1.2 Dimensions of Religious Freedom

Freedom of religion is a multidimensional concept and cannot stand alone. The modern legal concept of the multidimensionality of religious freedom can be derived directly from Article 18 of the UDHR and, as stated earlier, later integrated under Article 18 of the ICCPR. From these provisions, and in line with General Comment No. 22, made by the UNHRC, concerning the right to freedom of thought, conscience and religion (Article 18, ICCPR), it is important to bear in mind that the presentation of freedom of religion, as stated in Article 18, is much broader than how it is commonly understood. Accordingly, there are specific dimensions of religious freedom:

¹² The need to safeguard the freedom of choice of any member of a minority deserves attention. Every individual has the right to decide for himself whether he prefers to be treated as a member of the group, enjoying the protection that will preserve its special character—or to be assimilated into the remainder of the population. A decision on this vital point should never be left to the group. Experience teaches that many minorities tend to become oppressive toward their members as soon as some of them show a spontaneous tendency to choose integration within the majority. To consider the protection of collective values of the group as the only goal worthy of pursuit by international norms concerning minorities is dangerous in that dissenting individual members of a minority could get dragged, under the cover of the unitary policy of the group, by the policy actually carried out by its dominant circles.

- a) Freedom to have, choose, change or leave a religion or belief;
- b) Freedom to manifest a religion or belief;
- c) Freedom from coercion;
- d) Freedom from discrimination;
- e) Right of parents to give their children religious and moral education in accordance with their own beliefs;
- f) Right to conscientious objection;
- g) Freedom to practice one's religious belief in the workplace.¹³

The second point in this list (freedom to manifest a religion or belief) includes a set of dimensions, which are in fact different types of religious behavior. Repeatedly, this set of dimensions can encompass other fundamental human rights principles protected under international law. As there are:

- a) To worship or assemble in connection with a religion or belief, and to establish and maintain premises for these purposes.
- b) To establish religious, humanitarian and charitable institutions. Achieving this dimension in countries with very secular outlook is difficult, for example, in Cuba. It is also difficult in countries like Mexico. There are limitations on this aspect.
- c) To make, acquire and use articles and materials related to the rites or customs of a religion or belief, including to follow a particular diet.
- d) To write, issue and disseminate relevant publications. This aspect of religious freedom is grounded on the rights of freedom of expression, freedom of the press and freedom of publication.
- e) To teach a religion or belief in places suitable for the purposes and to establish theological seminaries or schools. This aspect of religious freedom can be very much restricted to specific denominations. Again, this type of restriction occurs in Cuba.
- f) To solicit and receive voluntary financial and other contributions. This is also restricted to some degree in various Latin American countries.
- g) To train, appoint or elect leaders, priests and teachers. This dimension of religious freedom means that the government should not play a role in designating religious leaders.
- h) To celebrate religious festivals and observe days of rest.

¹³ Swedish Mission Council (2010), What freedom of religion involves and when it can be limited, cited in Open Doors International, World Watch List 2018 Compilation Volume 1, p. 146.

- i) To communicate with individuals and communities on faith issues at national and international level. Therefore, international contacts, international relations between faith communities should be possible.
- j) To display religious symbols including the wearing of religious clothing. This dimension has also been under strain, particularly in Western countries, with quite mediatized court cases where bus drivers wearing a cross, or things like that, had to face charges, etc.¹⁴

As we can observe, the right to religious freedom is more than just religious worship since it includes every aspect of life. This right embraces rights such as the freedom to adopt or change a religion or belief, engaging in missionary activities, to hold worship and other rites either alone and in community, to abandon a religious community, to manifest their convictions in private or in public, to educate their children in conformity with their own convictions, etc. In contrast, all points in this list refer to different forms of hostilities to which Christians can become vulnerable, whether directly in the form of violence (smash), or indirectly through restrictions of specific rights and freedoms (squeeze). Hostilities can be experienced in different spheres of life: private sphere (forum internum), and family, community, national and church spheres (forum externum).¹⁵ Consequently, it is very important to recognize this multidimensionality which it is affected by some legal issues concerning the protection of the right to religious freedom

1.3 Legal Aspects of Religious Freedom

We have already specified that religious freedom is a multidimensional individual fundamental right which can also be exercised in community with others. This includes rights for communities to perform “*acts integral to the conduct by religious groups of their basic affairs.*”¹⁶ These rights include, but are not limited to, legal personality and non-interference in internal affairs, including the right to establish and maintain freely accessible places of worship or assembly, the freedom to select and train leaders or the right to carry out social, cultural, educational and charitable activities. As a fundamental human right, guarantees of religious freedom and respect for conscience and belief are found in the constitutional orders of states and in international and regional human rights instruments.

In principle, states must ensure that their internal legal systems provide adequate and effective guarantees of religious freedom for all and without discrimination, including persons holding non-theistic or atheistic beliefs, persons belonging to minorities, and indigenous peoples.¹⁷ These guarantees put in place must be effective in order to prevent or sanction violations of freedom of religion or belief when they occur, and ensure accountability. However, from the proceeding obligations a number of practical legal problems need consideration.

¹⁴ Open Doors International, World Watch List 2018 Compilation Volume 1, p. 146.

¹⁵ Open Doors International, World Watch List 2018 Compilation Volume 1, p. 146.

¹⁶ See general Comment No. 22, p. 4.

¹⁷ See article 27 of the ICCPR, with specific reference to religious minorities, and UN declaration 47/135 on the rights of persons belonging to minorities, article 2 and UN declaration 61/295 on the rights of indigenous peoples, article 11 and 12.

1.3.1 Difference between constitutional statements or ratified human rights declarations and the reality in the country

There is a difference (or contradiction) between constitutional statements or ratified human rights declarations and the reality of countries. This may seem to be obvious, but it is not. The fact that a state has ratified the legally binding international human rights treaties and have enshrined these instruments in constitutional provisions, therefore, submitting itself to guaranteeing religious freedom, does not mean that such obligations are effectively translated into reality on the ground. For example, Sudan has also signed or ratified a number of international human rights treaties and yet religious freedom remains unprotected. Similarly, legal protection of religious freedom is included in constitutional and internal legal norms in many African states but the implementation of specific policies limits religious freedom.¹⁸ This existing normative gap between the international protection of human rights and the willingness to enforce the implications of the existing norm has possible two roots:

- 1) Religious freedom is seen as being incompatible with the interests of the state. Therefore, the tension between national security and the application of human rights provisions is not resolved in favor of human rights or;
- 2) The submission of complaints for violations of 27 of the ICCPR is only permitted to individuals under Optional Protocol to the ICCPR. Religious groups may claim violation of collective rights but it is very difficult to enforce those rights as the law stand itself. Groups do not have a standing to bring complaints against states parties.

1.3.2 Document cases –the government does not always do this, and neither do most NGO's

Documenting cases of religious freedom violations and human rights violations in general is the heart of human rights work. The process is aimed at observing, collecting accurate facts and analyzing comprehensive evidence in order to support a specific allegations of human rights violations, help to prevent repetitions of such violations, to screen states' compliance with human rights instruments and to monitor changing situations on the ground.¹⁹

The task is arduous, takes time and needs resources. When it comes to religious freedom, there is a large number of Non-Governmental Organizations (NGOs) concerned with religious freedom as a human right and religious persecution. These organizations are good at attracting attention and raising funds for their initiatives. However, many of these NGOs are not effective regarding the documentation of human rights on the ground. They do not document cases and what is not documented, in practical terms, simply does not exist; if there is no trace or paper trail of violations, then the infractions simply never occurred. Documenting cases is important because it helps in requesting media attention for violations, denouncing them and advocating for changes. The process aids with litigation.

¹⁸ Christof Sauer, Frans Visscher and Dennis P. Petri, UNDERSTANDING DIMENSIONS OF RELIGIOUS FREEDOM AND PERSECUTION DYNAMICS IN SUBSAHARAN AFRICA, p. 359.

¹⁹ Amnesty International, Monitoring and Documenting Human Rights Violations in Africa, <https://www.amnesty.org/download/Documents/HRELibrary/sec010012002eng.pdf>

Normally documenting infractions should be the role of a government but, as explained earlier, governments do not always monitor the implementation of the proclaimed international human rights treaties. In fact, many Latin American countries barely carry out this function. For example, the government of Mexico has received warnings from the Inter American Commission of Human Rights on several occasions precisely for not being diligent enough in documenting cases.

Consequently, it is of strategic importance to put pressure on governments to fulfil their duty of documenting cases. Governments avoid documenting cases because the lack of documentation means that they do not need to take responsibility for infractions commissioned within their territorial jurisdiction. They simply ignore abuses due to the ‘lack of evidence’ especially if they need to cover their own tracks of human right abuses. Enforcement depend on documented evidence. It is not enough for human rights treaties to be ratified by a state. As a general rule, states are reluctant to combine a strong human right instrument with powerful and effective enforcement mechanisms.²⁰

Furthermore, NGOs also tend to avoid documenting cases because the task represents hard work. It easier to record a video or write an article concerning human rights abuses. NGOs, especially faith based NGOs, NGOs which are concerned with religious persecution, must do their homework and document their cases to expose and prevent abuses.

1.3.3 Use legally binding human right treaties

When documenting and exposing breaches of human rights norms, it is important to always refer to legally binding human rights treaties. Although most of the norms of the UDHR have acquired the status of customary international law and has given international recognition to the dignity of the individual, this system of law is more ambiguous than positive law. Therefore, unless the UDHS has been incorporated into national legislation (the domestication of international law), as it has been in Colombia, the most specific ICCPR must be employed in order to sustain the breaches of human rights norms.

1.3.4 Need to link human rights violations with criminal law

There is a link between human rights violations and criminal law. Indeed, once individual rights have been included in legally binding international instruments, the rule of law provides for the criminalization of violations as a mean of enforcement for those rights. Thus, the first step is identifying what protected right under international law has been infringed and, therefore, what crime has been committed. There has to be a decision as to what extent the right has been violated, decide the legal effects and whether the infringed right *“exists as an international, or as a merely national, right. Once a right may be addressed on an international level, it remains to be seen whether it is similarly addressed in that manner on the national level.”*²¹

²⁰ Makua wa Mutua, Looking Past the Human Rights Committee: An Argument for De-Marginalizing Enforcement 4 Buff. Hum. Rts. L. Rev. pp. 211, 227 (1998).

²¹ M. Cheif Bassiouni, *Human Rights In The Context Of Criminal Justice: Identifying International Procedural Protections And Equivalent Protections In National Constitutions*, p. 40, <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1328&context=djcil>

It has to be very clear what crime has been committed so that people are provided with a prospective notice of a criminal violation. Clarity would also *avoid “the arbitrary criminalization of conduct after the fact, which would allow those in power to convict and punish at will anyone so targeted.”*²² The fundamental object of criminal investigations and prosecution is the protection of the victim. It is generally a religious community or a religious person that has been displaced, or has been tortured or has been beaten. These crimes can be punished and are punishable.

However, the fact that an act is recognized as an obvious human right violation does not necessarily lead to prosecution. In Mexico, for example, judges always need a link with a criminal offense in order to be able to prosecute a particular human rights violation. Very often there is no debate where a human right has been violated even though an obvious breach has been committed. But then the question is, what can be done about it? Criminal law is a powerful answer those breaches of human rights. This instrument is particularly important in the Latin American context. But, is it the only tool to demand compliance with human rights abuses?

1.3.5 Observing and denouncing human rights violations is not enough! Do something about it!

Observing and denouncing human rights violations is not enough. It is essential but it is not enough. Something must be done about it. Taking concrete and effective action such as formulating a petition is necessary, especially the field of advocacy. Specificity based on reliable evidence regarding the allegedly breaches of human rights avoids ambiguity and strengthen the claims.

²² M. Cheif Bassiouni, Human Rights In The Context Of Criminal Justice: Identifying International Procedural Protections And Equivalent Protections In National Constitutions, p. 290, <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1328&context=djcil>

II. Religious Freedom from the Political Science Perspective

2.1 Framework for Understanding Religion and Politics

An analysis of Religious freedom from the Political Science would complement the human rights perspective. Human rights is a very normative discipline and indicates how it should be while Political Science is about power relations as concrete aspects of policies that are enforced and the reasons why things happen as they happen.

When people hear the notions of religion and politics they intuitively have an idea of what the terms mean. In other words, they have an implicit preconceived idea of the definition of religion and politics and how they relate to each other. However, the relationship between religion and politics is very complex. In order to understand this relationship political scientists use theoretical frameworks and guiding definitions outside of the ordinary meanings. In the light of this consideration information, the Religion and State Project, a program based at Bar-Ilan University, in Israel, provides a useful framework for understanding that relationship between religion and politics; but how do these notions interact with each other?

Repeatedly we need to define religion and politics. For now, we can define religion as just everything that is related to religious beliefs, theology and doctrines. The relationship between religion and politics is a threefold relationship. First of all, religion can be a source of legitimacy for states. Religion also provides legitimacy to particular values and norms.²³ However, there is a convoluted problem in this dynamic. Effectively, whilst religion can be a source of legitimacy for states, religion is frequently an alternative source of legitimacy to the state. This potential duality can create complications, especially where the state wants to be seen as the only source of legitimacy. In this context, there is a clash for a competing source of legitimacy between the state and religion. This is certainly the case in Cuba.

Second, religion also provides legitimacy to institutions potentially entering into conflict with states interests when those interests are in opposition.²⁴ Of course, there are religious political parties, religious NGOs, religious initiatives, religious schools and all types of religious institutions but, outside of the realm of the state, both sides are not necessarily coupled.

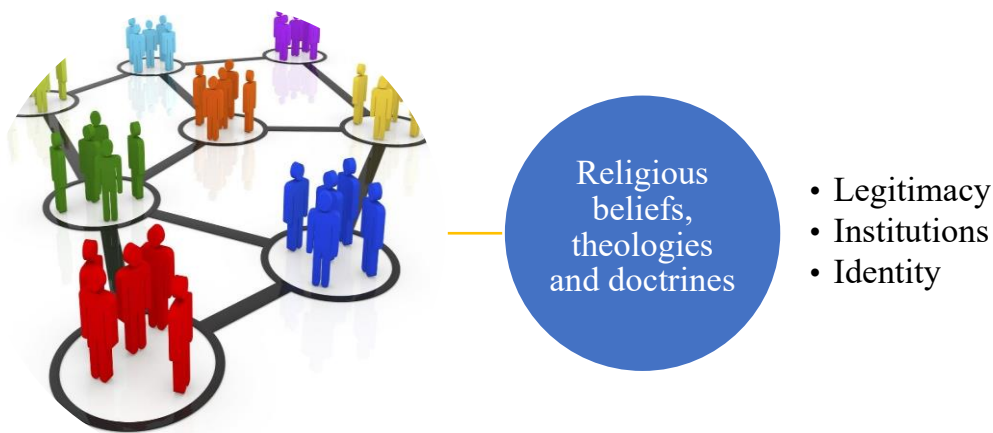
Finally, religion is also a source of identity for many people and, when we look at politics, identity including a religiously defined identity, is a very important aspect. Religion is not just about sharing beliefs and rituals. Religion also implies bonding together people in a community of values or culture.²⁵ These common net touches upon politics especially if they question state policies or the state overregulate religious practices.

²³ Fox (2013), *An Introduction to Religion and Politics*.

²⁴ Fox (2013), *An Introduction to Religion and Politics*.

²⁵ See Stephen Prothero, *God Is Not One: The Eight Rival Religions That Run the World—and Why Their Differences Matter* (New York: HarperOne, 2010), pp. 12–13.

Figure 1. T threefold relationship between religion and politics.

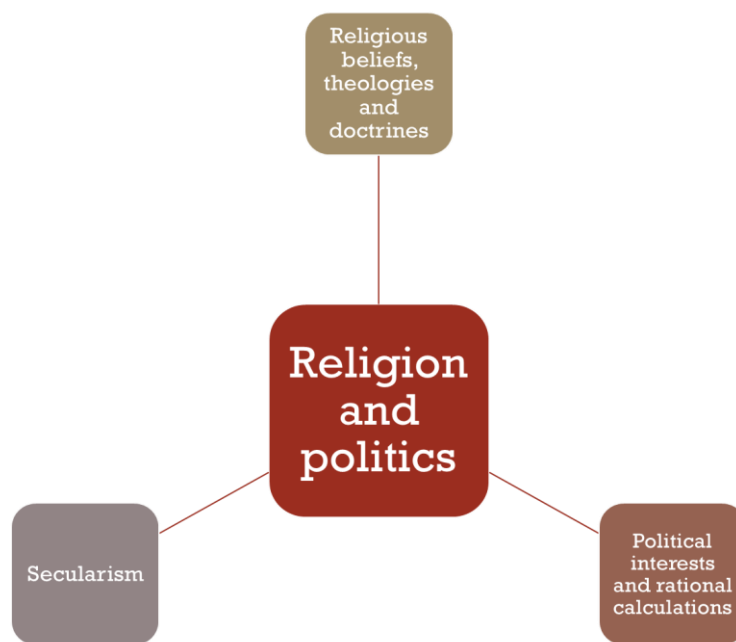


Source: Fox (2013), *An Introduction to Religion and Politics*.

The relation between religion and politics is an extensive field in which many different factors interact. As already explained, religious beliefs, theologies and doctrines play a role in the provision of legitimacy for institutions and identity. In that intersection between religion and politics another philosophical current comes into play as well: secularism. Secularism is, to some extent, opposes religion itself and religious pluralism. Secularism contends that religion should not play any visible role, or have any influence, on the public realm of politics, political institutions and debate. Therefore if the supreme protected political interest is state unity, alternative sources of legitimacy are not exactly tolerated by secularism.

This notion of political interest is central to these interwoven factors between religion and politics and, consequently, of relevance from the political science perspective. Of course, this complex dynamics have many dimensions. For example, it is possible to observe how particular states have the political interest of controlling religion; or why particular policies are aimed at using religion. Religious political parties such as Christian political have a religious base platform. On the one hand, the state or political parties want to genuinely present and represent Christian inspired public policies but, on the other hand, they also have their own political interests. Rational calculations and desired political interests are closely connected. Indeed, they are interested in the Christian population as a reservoir of votes. However, as part of their rational calculations, there may be policies that they would not implement because voters think that politicians feel the pressure from certain political groups that they don't want to oppose. Essentially all votes are needed to achieve power. The consequences of rational calculations could be unpredictable. The power balance and the whole notion of political interest and rational calculations are two factors that cannot be underestimated.

Figure 2. Interaction between religion and politics.



Source: Fox (2013), *An Introduction to Religion and Politics*.

This whole intersection between religion and politics is a playing field. All these different aspects interact. It is not possible to give a full description of all the possible ways in which this interaction is developed. Nevertheless, it is important to be cognizant that this interaction transpires in that intersection. Awareness of this dynamics helps to understand the relation between religion and politics, including religious freedom.

2.2 Separation of Religion and State

The concept of separation of religion and state or church and state is controversial. In general, there is no understanding and consensus about the meaning, and the implications of this separation. Then, a sensible approach to the interpretation of the principles of the separation between religion and state is fundamental in order to understand the reality on the ground. The perspective of secular intolerance seems to be misguided in this respect. In order to substantiate this lack of understanding we need to use evidence. The following cartoon is an example of misguided interpretation.

Figure 3. Secular intolerance.



Source: www.nrc.nl (2013).

This cartoon belongs to the comic strip "Fokke and Sukke", published in the Dutch newspaper NRC. Published in Dutch, the context of the cartoon will be described in English.

These government officers (Fokke & Sukke) are visiting the stable. Jesus was just born, and they say: "Your family is marked in our database as 'potentially religious fundamentalist.'" What does the content of this cartoon mean?

The language and content of the cartoon shows certain degree of religious illiteracy. In other words, the cartoon displays a lack of understanding of the meaning of religion and what it should be. The language and content lead people to view religion as something that it is immediately hostile. Of course, we could say that Jesus is harmless, that he will be a prophet or that he is going to establish a religion. We could also argue that there is nothing harmful in that he is only going to express his religious views for anyone who is willing to listen and nothing more. However, statements such as those contained in the cartoon can be regarded as a threatening for some. This somehow existing perception that religion will always be fundamentalist, a breeder of violence or that religion leads to fantastic and unrealistic thinking is reinforced and perpetuated by the lack of understanding of the meaning of religion. There are interpretations of religion that are violent. However, this does not mean itself that religion is dangerous or that automatically any religious person should be highlighted as fundamentalist and therefore as a threat to others or to the state. This clarification is needed in relation to the proper understanding of the principles of separation between religion and state.

2.3 The Myth of Separation of Faith and Politics

The principle of separation between religion and state should not be equated with the principle of separation between faith and politics. For a proper understanding of the notion of the separation of religion and state we need to unpack the difference.

The modern principle of separation between religion and state has two dimensions. First, the principle refers to that fact that the state should not have any interference in internal religious matters of religious organizations such as in churches and in people's religious experience and expression. According to the principle of separation religion is a private affair. In contrast, the historical position in the Middle Ages, where the state or the King had the authority to appoint bishops and priests and the Pope would have to approve a particular legislation, is unacceptable in the modern world and contravenes the notion.

The second dimension of the principle of separation of religion and state is that religion should not have any power and authority over the estate, as it occurred in the Middle Ages. However, the principle of separation of these two spheres does not mean that faith and politics needs to be separated. In fact, defending the argument that religious institutions should not have legal authority over the state does not mean that those institutions are not allowed to express their opinions. The principle does not mean neither that religious political parties should not be allowed to exist nor that religious philosophies or religious convictions cannot inspire political preferences. Such position would be absurd and it would attempt against the right of freedom of expression. Under this position there is nothing wrong with communists, for example, who are inspired by the political philosophy of communism, or liberals who are inspired by the political philosophy of liberalism. For the same reasons religious people, for example Christians, can be perfectly inspired by their religious principles in determining the political positions. Having a faith and political positions does not contradict or violate the principle of separation between religion and state. Secularists sometimes deliberately refuse to understand this difference. There are no constraints for religiously inspired people to publicly express their political opinions. There are no limitations neither for politicians who feel that they have to justify their beliefs and political preferences by their religion.

A recent example of a misunderstanding of the principle of separation of religion and state occurred with the election of the former president of Costa Rica's Parliament, Gonzalo Ramirez. Gonzalo Ramirez is an evangelical Christian. He is also a politician. He was elected to become the speaker of the Parliament his peers. His election created a scandal because people were defending the argument that he should not have been the president of the legislative power, the first power of the Republic. The base of the discussion was straight forward: he was an evangelical. As stated earlier, this kind of assertions demonstrates a misunderstanding of the principle of separation between religion and the state because it was perfectly legitimate for him to be elected for a public office, just like any other person who has a religion, ideological background or does not have a religion. His election did not infringed the principle of separation between church and state. Even if he was a member of the Evangelical Alliance of Costa Rica, his membership of the organization did not mean that the organization was in charge of the proceedings in the Costa Rican Parliament. In fact, this was the position. He simply is one person who happens to be inspired by his evangelical faith and that he was elected to a public office; nothing else. Scandals of this type are unjustified could lead to infractions of the principle of discrimination.

Figure 4. Gonzalo Ramírez: President of the Legislative Assembly of Costa Rica (period 2017-2018)



Source: elmundo.cr

2.4 Types of Religious Policy

Political perspectives on religious freedom considers different types of religious policy and shows how complex, multifaceted and multidimensional the phenomenon is.

States implement four types of religious policy:

- 1) Official religions. Some states have an official religion (state religion);
- 2) Religious support. Under this religious policy, a state may give more support and benefits to a particular religion, a majority religion for example, than others. For example, it could be that Marriages performed by clergy of at least some religions are given automatic civil recognition, even in the absence of a state license. This support may be seen as a violation of the principle of equality because the state's support for a majority religion could be exerted at the margin of supported given to minority religions;
- 3) Regulation of the majority religion. All sets of policies can be implemented with the regulation. Effectively the majority region can be restricted or more regulated than minority religions. The state could impose restrictions on clergy holding political office, for example.

- 4) Religious discrimination against just a minority or all religions.²⁶ State surveillance of minority religious activities not placed on the activities of the majority is a discriminatory policy that could be implemented by states.

The Religion and State Project from Bar-Ilan University publishes a very comprehensive dataset with over a 100 variables describing all of these types of religious policies. The Project is a very relevant and useful tool order to understand the complexity of religious policies and how they work out in practice. Furthermore, the Project allows to dismantle two paradoxical myths. First, it shows that a state with an official religion does not necessarily regulate religion or, second, that a country with no official religion is actually very anti-religious. This second insight could be the case of France and Mexico. These countries have similar types of religious policies.

2.4.1 Official Religions

A number of countries from different regions around the world have been selected from the dataset. The aim is to use these countries as models for the presentation of the information. These countries are: Costa Rica and Mexico from Latin America; Egypt and Israel from the Middle East, one is a Muslim majority country, the other is a Jewish majority country; France and the Netherlands from continental Europe and finally two Anglo-Saxon countries, Great Britain the United States of America.

There are basically three variables that describe this type of religious policy: first, having an official religion; second, a description of whether one religion has more benefits than other religions and, third, the question of whether there is no an equal treatment for different religions.

Figure 5. Type of religious policy.

Variables	CRI	EGY	FRA	ISR	MEX	NLD	GBR	USA
Official religion	Yes	Yes	No	Yes	No	No	Yes+	No
One religion has more benefits than other religions	Yes	Yes	No	Yes	No	No	Yes	No
There is no unequal treatment	Yes	No	No	Yes	No	Yes	Yes	Yes

Source: own elaboration.

Thus, the United Kingdom has two official religions, the Church of England, and then the Church of Scotland. These two religions receive some benefits in the United Kingdom. In contrast, Costa Rica has only one official religion. Costa Rica is also a Catholic state and Catholicism receives some minor benefits. In addition there is not unequal treatment for minority religions in Costa Rica. On the other hand, France has no official religion; it is a secular state and the concept of *laïcité* (principle of separation of religion and state) is very strong. In France, just like in Mexico, however, there is some form of unequal treatment for religions. Sometimes is better to have an official religion for minority religions than not to have one at all.

²⁶ Source: Fox (2013), An Introduction to Religion and Politics.

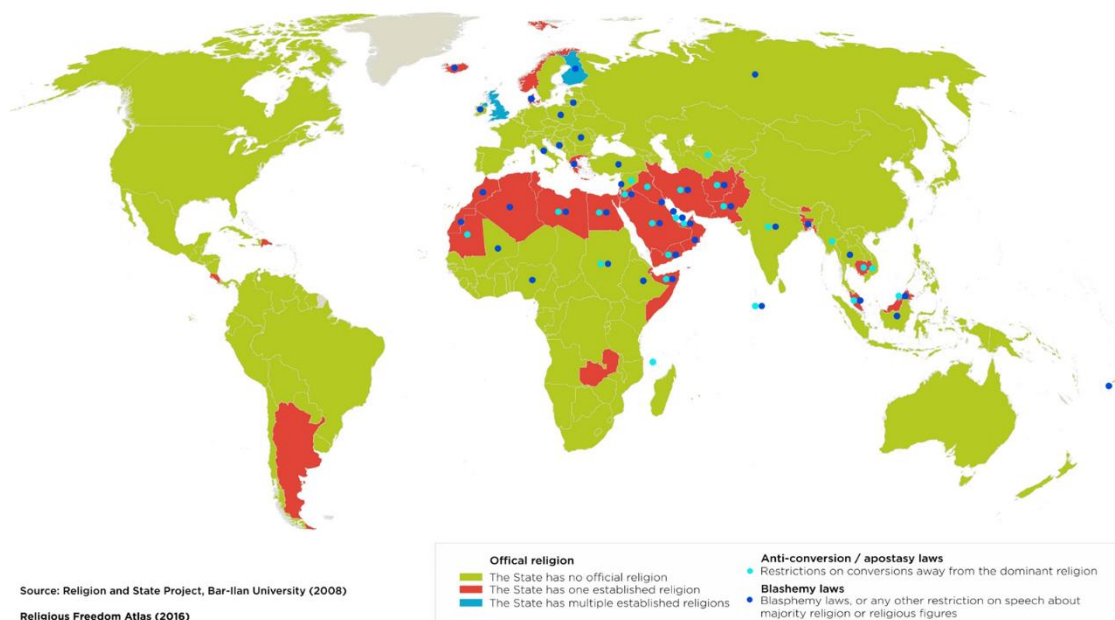
Separation of Religion and State: Countries with an Official Religion, Anti-conversion Law and Blasphemy Law.

So based on the preceding information, we have this map from 2008. The map describes the separation of religion and state in many countries, specifically their official religious policy. The related policies of anti-conversion, apostasy and blasphemy laws have also been added to the map. As we can observe, Costa Rica is the only remaining Latin America country with an official religion. There are no restrictions on conversion, apostasy, blasphemy laws in the country. However, these restriction are imposed in Islamic countries. Argentina and Dominican Republic had an official religion in 2008 but that those states have eliminated the official religion since that year.

Figure 6. Separation of religion and state.

Separation of Religion and State

Countries with an official religion, anti-conversion law or blasphemy law



Source: Religious Freedom Atlas (2016).

2.4.2 Religious Support

This type of religious policy has many more variables than we can notice in the data set of the Religion and State Project. However, it demonstrates the diverse of the policy. Religious support, as explained before, is related to granting some degree for support of the majority religion in many respects.

Figure 7. Type of religious policy and religious support.

Variables	CRI	EGY	FRA	ISR	MEX	NLD	GBR	USA
Marriages performed by clergy of at least some religions are given automatic civil recognition, even in the absence of a state license.	Yes	No	No	Yes	No	No	Yes	No
Religious education is present in public schools.	Yes	Yes	No	Yes	No	Yes	Yes	No
Government funding of religious primary or secondary schools or religious educational programs in non-public schools.	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Government collects taxes on behalf of religious organizations (religious taxes).	No	No	No	No	No	No	No	No
Official government positions, salaries or other funding for clergy other than salaries for teachers of religious courses.	Yes	Yes	No	Yes	No	No	No	No
Direct general grants to religious organizations	No	Yes	No	Yes	No	No	No	No
Funding for building, maintaining, or repairing religious sites.	No	Yes	Yes	Yes	Yes	No	Yes	No
Free air time on television or radio is provided to religious organizations on government channels or by government decree.	No	Yes	Yes	Yes	No	No	No	No
Presence of an official government ministry or department dealing with religious affairs.	Yes	Yes	Yes	Yes	Yes	No	No	No
A registration process for religious organizations exists which is in some manner different from the registration process for other non-profit organizations.	No	Yes	Yes	Yes	Yes	No	No	No

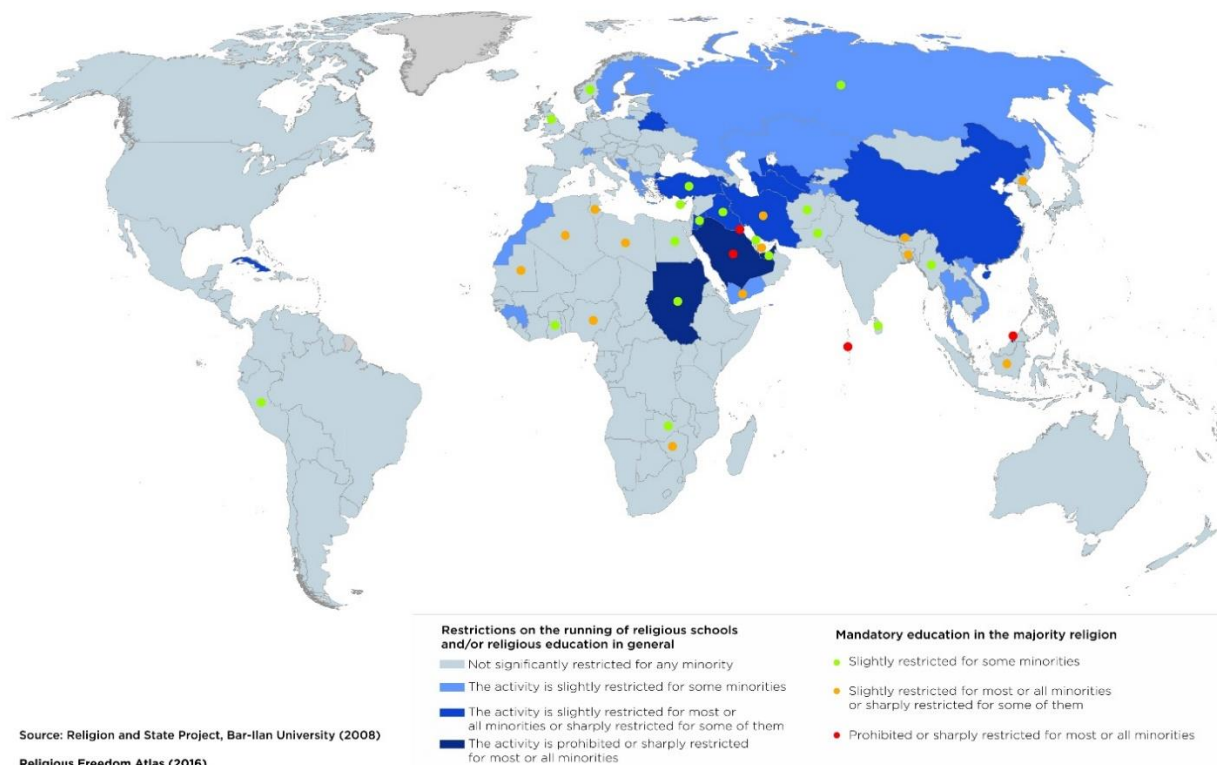
Source: own elaboration.

2.4.3 Restrictions on Religious Education for Minority Religions

The implementation of restrictions on religious education for minority religions can be a policy of support for the majority religion. Certainly, religious schools are restricted for minority religions in some countries. However, here the most important thing, that's what viewed as religious support, is the mandatory education in the majority religion and you'll see that in many countries there is public education in Latin America countries very often is Catholic education. But then the question is whether this is mandatory or not and whether there is a possibility for religious schools or private schools, and you can see that in Latin American countries there are rarely such restrictions.

Figure 8. Map of restrictions on religious education for religious minorities.

Restrictions on religious education for minority religions



Source: Religious Freedom Atlas (2016).

2.4.4 Regulation of the Majority Religion

The religious policy of regulating of the majority religion have many manifestations, in terms of all kinds of restrictions imposed on religions and religious political parties. This policy is based restrictions on clergy and/or religious organizations engaging in public political speech (other than sermons) or propaganda or on political activity in or by religious institutions; restrictions on clergy holding political office and religious-based hate speech, etc. These policy elements are interesting. Returning to the example of Costa Rica, this country is officially a Catholic confessional state and, whilst religious freedom is guaranteed, there are some regulations of the majority religion. The Catholic clergy is not allowed to hold political office in Costa Rica whereas other minority religions are permitted to do so.

Figure 9. Regulatory policies to regulate the majority religion

Variables	CRI	EGY	FRA	ISR	MEX	NLD	GBR	USA
Restrictions on religious political parties.	No	Yes	No	Yes	Yes	No	No	No
Restrictions on clergy and/or religious organizations engaging in public political speech (other than sermons) or propaganda or on political activity in or by religious institutions.	Yes	Yes	No	No	Yes	No	No	Yes
Restrictions on clergy holding political office.	Yes	No	No	No	Yes	No	No	No
Restrictions on religious-based hate speech.	No	No	Yes	No	No	Yes	Yes	No
The government appoints or must approve clerical appointments or somehow takes part in the appointment process.	No	Yes	Yes	No	Yes	No	Yes	No
Other than appointments, the government legislates or otherwise officially influences the internal workings or organization of religious institutions and organizations.	No	No	No	No	No	No	No	No
State ownership of some religious property or buildings.	Yes	Yes	Yes	Yes	Yes	No	No	No

Source: own elaboration.

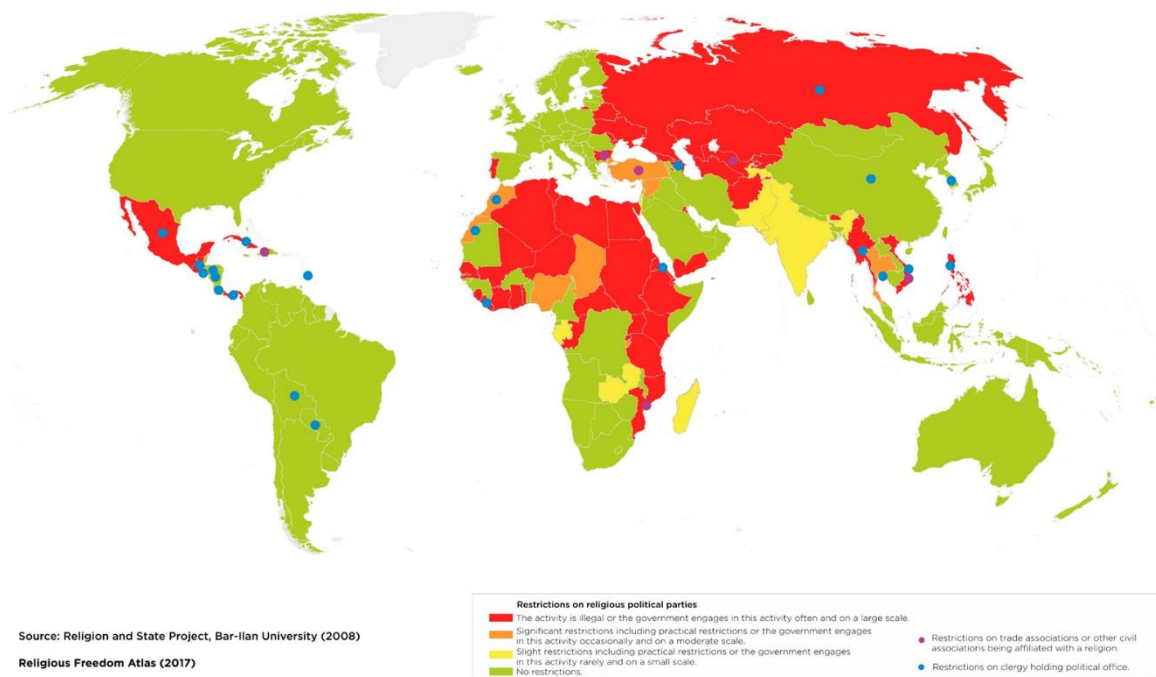
2.4.5 Restrictions on Political Participation of Religious Groups

In Mexico there is some regulation and limitation of public expressions of all religions; “*the constitution guarantees freedom of religion, an abuse of Mexico’s law of uses and customs has led to widespread cases of religious intolerance which remain unaddressed today.*”²⁷ Restrictions are imposed on political participation of religious groups, parties based on religious groups, trade unions, civil society in general or clergy holders of political office. The perception in Mexico is that the country is Catholic and that Catholics have so much power whilst restricting religious minorities. This is possibly the case at the local level. However, the Catholic Church has nothing to say at the national or the federal level since Mexico is an absolute secular state, just like France. Cuba and other Latin American countries impose some restrictions on religion or religions as well. The policies of those countries can be regarded to be anti-religious.

Figure 10. Map of restrictions on political participation of religious groups.

Restrictions on Political Participation of Religious Groups

Restrictions on religious political parties, trade associations or other civil associations being affiliated with a religion, and clergy holding political office



Source: Religious Freedom Atlas (2016).

²⁷ Dennis P. Petri (2015). “Challenges to religious freedom in the Americas” Testimony before the Subcommittee on the Western Hemisphere, House Committee on Foreign Affairs.

2.4.6 Religious Discrimination

Religious discrimination embraces many variables. However, religious discrimination policies are much diversified around the world and, depending on each country, there are major differences. As affirmed earlier, a state with an official religion does not necessarily exercise a certain degree of discrimination against religious minorities. The existence of an official religion in Costa Rica does not mean that there are effective restrictions on many variables consistent with religious discrimination. The fundamental question is, are really, or not, the rights of religious minorities restricted? More restrictions are imposed in a secular state like France than in a state with an official religion. Will this be the case of Costa Rica if the state becomes secular?

Figure 11. Religious discrimination policies.

Variables	CRI	EGY	FRA	ISR	MEX	NLD	GBR	USA
Restrictions on public observance of religious services, festivals and/or holidays, including the Sabbath.	No	No	Yes	No	No	No	No	No
Restrictions on building, leasing, repairing and/or maintaining places of worship.	No	Yes	Yes	Yes	Yes	No	No	No
Arrest, continued detention, or severe official harassment of religious figures, officials, and/or members of religious parties for activities other than proselytizing.	No	Yes	Yes	No	Yes	No	No	No
State surveillance of minority religious activities not placed on the activities of the majority.	No	Yes	Yes	No	No	No	Yes	No
Restrictions on the wearing of religious symbols or clothing. This includes presence or absence of facial hair.	No	No	Yes	No	No	No	No	No
Restrictions on proselytizing by permanent residents of state to members of the majority religion.	No	Yes	No	No	Yes	No	No	No
Requirement for minority religions (as opposed to all religions) to register in order to be legal or receive special tax status.	Yes	Yes	No	No	No	No	No	No
Restricted access of minority clergy to hospitals, jails, military bases, and other places a chaplain may be needed in comparison to chaplains of the majority religion.	Yes	Yes	Yes	Yes	No	No	No	Yes
There is a legal provision or policy of declaring some minority religions dangerous or extremist sects.	Yes	No	Yes	No	No	No	No	No
Anti-religious propaganda in official or semi-official government publications.	No	Yes	Yes	No	No	No	No	No

Source: own elaboration.

2.4.7 Costa Rica: Debate about Moving to a Secular State

There is a public debate about whether Costa Rica should be moved from being a confessional Catholic state into a secular state. This debate has not been straightforward and clear. In other words, there is little conceptual clarity in the public debate about what exactly a secular state is or, specifically, what the principle of separation between religion and state signifies. People do not really know the notions when engaging in the debate. There is a frequent lack of knowledge about the relationship between the nature of a secular state and the type of religious policy that a secular state can implement in general. There is also a lack of understanding regarding the more specific and potential implications that a secular state could have in terms of discrimination for minority religions. Yet, despite the lack of objective knowledge and facts, ideological and emotional discussions about the Secular State take place obscuring the underlying issues.

However, the ideological and emotional discussions could be lessened by observing the facts. The use of some important conceptual notions and description of religious policy, shed by the data provided by the Religion and State Project, can help to elucidate the obscurity of debate. Employing the data would mean that we have to consider several issues as part of the debate. First, we would have to reflect the fact that Costa Rica is formally a confessional state. Second, Costa Rica's reach is merely symbolic since there is no substantial discrimination of minority religions and no substantial favoritism of the majority religion, both reliable indicators of religious freedom and religious persecution levels in a country. In fact, there are some disadvantages for the majority religion. The Catholic clergy cannot hold public offices, for example. For some this disadvantage is a more an advantage. Advantage or disadvantage, the Catholic nature of the Costa Rican state is not placing any restrictions on minority religions.

In addition, some important questions need to be asked: are we losing our time with this debate? Which priorities we should be looking for in Costa Rica? Are these really important matters, especially since there is no substantial discrimination on minority religions? So why does this matter? The forgotten fundamental question in the debate is, what type of estate would replace the confessional state? In theory a neutral state would be better than a confessional state. However, considering that there is not substantial discrimination nor substantial favoritism another question is, making Costa Rica a secular state, what type of state would replace the Confessional State? Different options are on the table.

2.4.8. Types of Political Secularism

There are four categories of political secularism: *laïcité*, absolute separation, political neutrality and an exclusion of ideals. Based on this categorization, the Costa Rican state could become *laïcité*, a secular state which is the most extreme form of separation. This type of secular state is, in fact, anti-religious like France or like Mexico. The risk is that this type of state structure could take the country be further away from where it is currently or where it want wants to move. Repeatedly, under the present confessional state there is no substantial discrimination of minority religions. Secularization of the state have the potential negative consequences of the principle of no discrimination against minority religions.

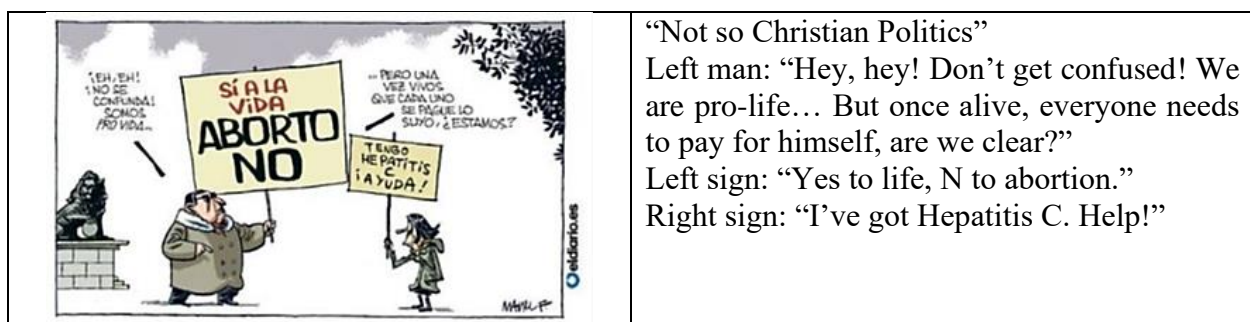
Alternatively, the Costa Rican confessional state could be transformed into a secular state, but neutral towards religion. Despite the nature of this categorization, political neutrality is difficult to sustain. The United States is a secular state favorable to religion. Religion is always mentioned in political speeches, etc. and there is respect for religious freedom in the state's policies.

Political neutrality and exclusion of ideals seem like a more workable pragmatic option than *laïcité* and absolute separation. Despite this workable pragmatic options, there is no reason for denying the religious actors their possibility to participate in politics. It is absolutely legitimate to base personal political convictions and preferences on any ideology or religion. Specifically, there is no moral or legal impediments for Christians to participate in politics. Therefore, when Christians are engaged in politics, the questions are, are they involved in the right way? Are Christians involved in politics infusing their politics with Christian's values?

In order to answer the questions we use some cartoons as information sources and analytical tools.

This cartoon describes it quite well.

Figure 12. Political participation.




Source: own elaboration.

This cartoon presents the situation where regularly, Christian political parties, are what is called, a single issue, for example, concerned only with abortion. Although abortion is an important issue for Christians, Christian politicians would have so much more legitimacy if they would promote an integral perspective on the defense of life, instead of restricting themselves to the more polemical issues like abortion and euthanasia. This point is perfectly made in the cartoon using the example hepatitis C. A holistic approach to life and all the problems involved, such as health, is required of the Christian politician. Being inclusively pro-life, in all its dimensions, involves supporting a broader development vision based on Christian values.

A further example of a single issue is found in the following sign:

Figure 13. Freedom of religious expression (1)

	<p>Religious Freedom</p> <p>THE SABBATH is the true day of the Lord.</p>
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Source: own elaboration.

This interesting sign can be seen on the freeway, in Costa Rica. The sign is perplexing because, on the one hand, it affirms one of the Ten Commandments, keeping the Sabbath, even though there is a lack of consensus regarding the interpretation of this commandment. There is also a debate the suitable day of rest to keep, Saturday or Sunday and, if replacing Sunday by Saturday, what this replacement in principle means.

On the other hand, the fundamental concerning issue is not the debate surrounding the sign's content but about freedom of religious expression itself. Someone or, perhaps, a group has decided to state publicly that “the Sabbath is the true day of the Lord” for everyone to see. The sign is judgmental and confusing. It is judgmental because the message affirmed that the Sabbath is the true day of the Lord. It is confusing because there is not call to take a direct action, no explanation regarding the content, no contact information and no invitation to join a particular religious group. Obviously, a right of religious freedom or religious expression has been exerted. The sign might not be the best possible use of religious expression but the assertion of this right must be respected.

A similar example of freedom of religious expression can also be seen on a freeway, in Costa Rica.

Figure 14. Freedom of religious expression (2)

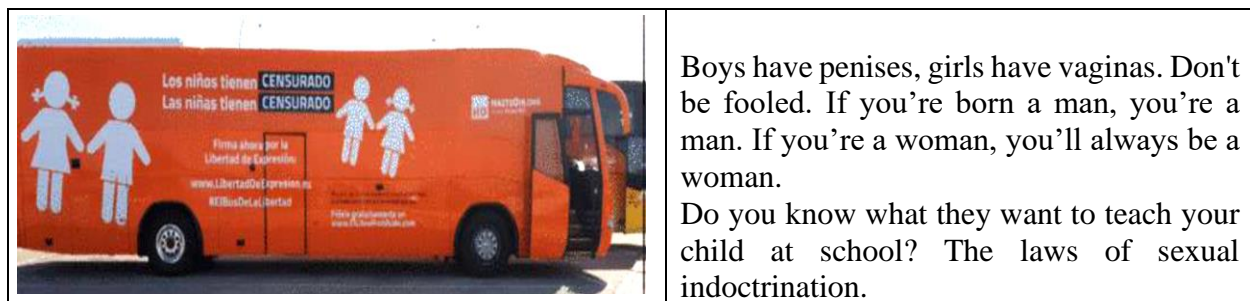
	<p>Freedom of Religious Expression</p> <p>Alert! Christ is coming!</p>
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Source: own elaboration.

The message, which has been on the side of the freeway for 20 years, is, “Alert! Christ is coming! What is the purpose this type of statement? The content states a general truth from the perspective of the authors. The message’s objective is, perhaps, intended to awaken some type of dormant believe or motivate thinking in the reader. However, there is not call to action; there is an alert for the reader, but there is no instruction as to how to deal with the alert. The critical issue here is that this is a perfectly legitimate expression of religious freedom. This right has been exercised independently of the question if this is the best way to make use of this right.

The next one is another example of freedom of religious expression.

Figure 15. Freedom of religious expression (3)



Source: own elaboration.

The provocative campaign is carry out by a Christian pro family group in Spain. The group is denouncing that the traditional family is under attack. They are also transmitting the message that biblical and biological truth must be protected and recognized. This is undoubtedly a legitimate use of freedom of religious expression and the right must be respected. The group has publically expressed an opinion. The content of the message is not the issue of the debate. However the tone of the message questions the suitability of approaching the topic of sexual indoctrination in a provoking mode. It does not achieve much neither. The message attracts media attention but the intended results raises a valid question, what are the readers or recipients of the message going to do with the information? In other words, if the intention is to induce action, how are the recipients going to stop sexual indoctrination in schools?

The message antagonizes people and it does not make a constructive contribution to the debate. The mayor of Madrid requested the bus to be censored and the bus was ordered to stop circulating through the city. The Municipality of Madrid censorship of the message was constructed upon the arguments of provocation and discrimination. The group added the word ‘censored’ to the content of the message and continued with the campaign. Of course, the actions could be seen as duplicitous as, during the same week of the events, a gigolo homosexual actor was performing a very provocative display in which this gigolo was being crucified. Yet, the gigolo’s act was not considered to be a provocation and discriminatory, but the message of the bus was. Even though, the message of the group did not strike the right tone, the Municipality of Madrid should have respected their right to freedom of religious expression. Regulations of freedom of religious expression are, actually, sometimes, a violation of religious freedom.

III. Religious freedom from the perspective of reformed political philosophy

After looking at religious freedom from the perspective of human rights and from the perspective of political science it is important to analyze religious freedom from the perspective of reformed political philosophy. This perspective provides a framework for interpreting the multidimensionality of religious freedom.

The analysis is based on the contributions of two Dutch reformed statesmen, Guillaume Groen van Prinsterer (1801-1876), a lawyer, a historian, an advisor to the king a parliamentarian and, above all, a very influential political philosopher; and Abraham Kuyper (1837-1920), a disciple of Prinsterer and who transformed thoughts into practical political interventions. Abraham Kuyper became a Prime Minister of the Netherlands.

Figure 16. The contribution of Dutch reformed statesmen.

**Guillaume Groen van Prinsterer
(1801-1876)**



Abraham Kuyper (1837-1920)



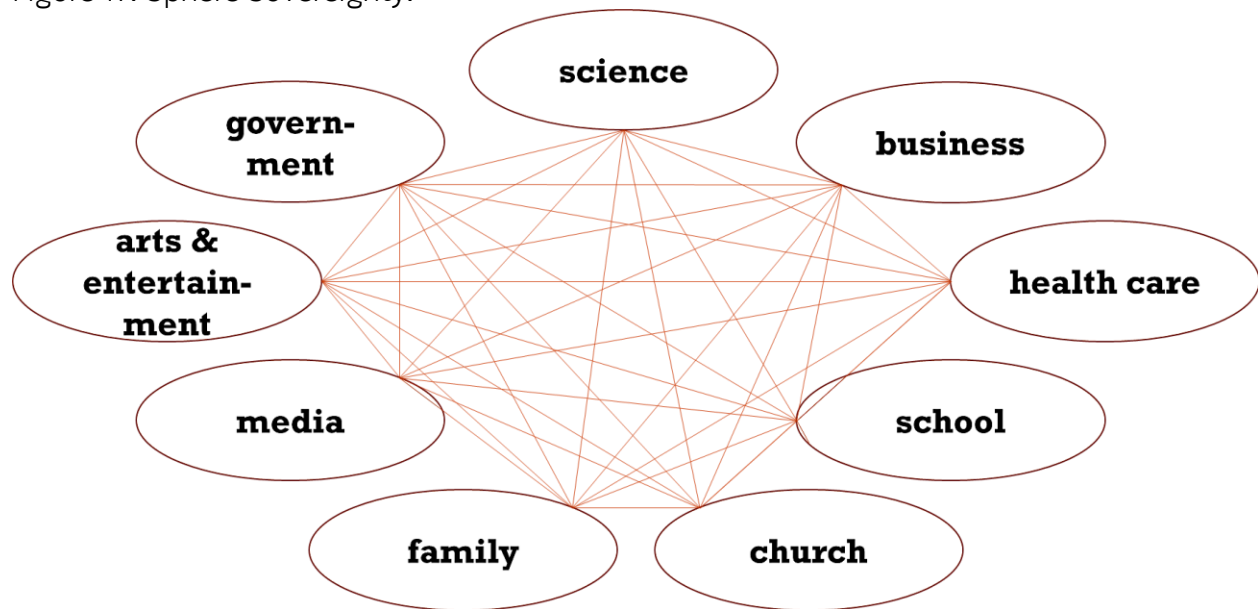
Source: Encyclopedia Britannica - www.britannica.com

3.1 Sphere Sovereignty: the Original Concept

The concept of sphere sovereignty, at the core of the reformed view of government and society, is one of Abraham Kuyper's greatest legacies. Building on the thought of Groen van Prinsterer, Kuyper developed the concept of sphere sovereignty further. This reformational idea is essentially based on the biblical worldview that there is a biblical ordering principle of society. Therefore, drawing upon the creationist narrative in the Genesis, the existence of a creational order of society, has been the result of the creation of God. Accordingly, God has intended the world and institutions in modern society (structure of social institutions or spheres), such as science, businesses, health

care, school, church, family, media, arts, entertainment, and government, etc., to function in a particularly arrangement.²⁸

Figure 17. Sphere Sovereignty.



Source: own elaboration

The Kuyperian concept of sovereignty “refers not to the absolute power of the person in authority in a particular sphere (such as the president in the government sphere or the minister in the church sphere), [but] [i]nstead, sovereignty refers to the source of the power of this person, which is God himself, the Absolute Sovereign...authority always means authority by the grace of God.”²⁹ Furthermore, central to the notion is that although the societal spheres are interrelated, they are also autonomous. The Kuyperian notion of autonomy signifies that each sphere has its distinct nature, purpose, and meaning, from which they derive legitimacy and, their intrinsic functions, boundaries and organization, must be respected in order to preserve the creational order. We can apply this normative standpoint of sovereignty to every sphere of life. For example, the parental figure is the authority in the family; it is not a democracy, children don’t have the same authority as parents and the government should not interfere in the privacy the family sphere. Equally, the pastor has the spiritual authority and the government sphere must not intervene in the church sphere since their dynamics are different, nor must the business sphere seek to exert influence on, say, the government sphere. The government should not interfere the school sphere, unless it is to regulate, or to create the conditions for these institutions to function effectively and vice versa.

²⁸ See Dennis P. Petri & Frans Visscher, Revisiting Sphere Sovereignty to Interpret Restrictions on Religious Freedom. *Philosophia Reformata* 80 (2015) pp. 99-122

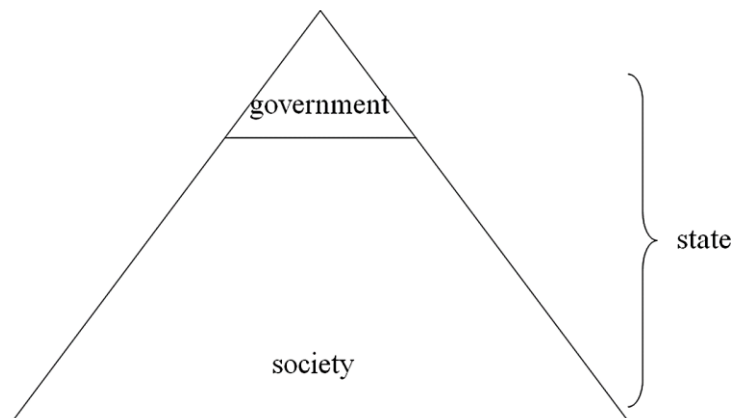
²⁹ Dennis P. Petri & Frans Visscher, Revisiting Sphere Sovereignty to Interpret Restrictions on Religious Freedom. *Philosophia Reformata* 80 (2015), p. 101.

But, how far can the government go in regulating school curricula and internal administrative affairs? In these different spheres is where the purpose of creation can come to its full expression.³⁰

As it can be observed, the notion of sovereignty is intertwined with the principle of separation between church and state and religious freedom. The notion intrinsically enshrines the idea of observing the autonomy but interrelatedness between church and state and all different institutions. This is a safeguard against abuses of authority. Whenever one sphere tries to interfere in another, infringing the principle of autonomy, problems emerge. However, *“in the reformed political vision, sphere sovereignty can be considered a safeguard against tyranny as it limits the power of government and gives space to civil society. It also limits the power of religion to interfere in other spheres.”*³¹

3.2 Sphere Sovereignty and Religious Freedom

Figure 18. The State according to Rob Nijhoff.



Pyramidal view of the state Source: own elaboration based on Rob Nijhoff (personal communication).

From the preceding explanations of the Kuyperian conceptualization of sovereignty, we observe that his notion of sphere sovereignty opposes visions of a pyramidal structure of society. In pyramidal societies the state is conceived as a huge structure, where all spheres of society are subordinated to it, the government is on top and society under the pyramid. As a consequence of the government's highest position in the pyramid, it has greater flexibility and scope for interfering in the various private spheres of society. This model is not exactly how societies should be ordered. In these perspectives of society, there may be some kind of separation between church and state, public and the private sphere, but the distinct nature of different units in the private sphere is not recognized.

³⁰ Dennis P. Petri & Frans Visscher, Revisiting Sphere Sovereignty to Interpret Restrictions on Religious Freedom. *Philosophia Reformata* 80 (2015), p.101.

³¹ Dennis P. Petri & Frans Visscher, Revisiting Sphere Sovereignty to Interpret Restrictions on Religious Freedom. *Philosophia Reformata* 80 (2015), p. 102.

In contrast, sphere sovereignty has a lot to teach us about religious freedom as a concept. In fact, this analytical framework has several implications for understanding the multidimensionality of religious freedom, as already implied. There are implications. The first most visible implication of sphere sovereignty is and the ‘government sphere. The separation of church and state can be seen as an answer *“the separation of the church and government spheres. Religious freedom, narrowly defined, consists of the separation between church and state, or in Kuyper’s terms, between the ‘church sphere’ to religious oppression and a constitutional safeguard of religious tolerance.”*³²

The second implication of the Kuyperian conceptualization of sovereignty sphere has been earlier introduced. This is that *“the existence of a boundary between the church and the government spheres does not mean that religion can play no role in politics. This statement does not imply that the state should be allowed to endorse a particular religion, or to favor it through funding or any other means. It does imply, however, that the separation of church and state should not be equated with the separation of faith and politics... it asserts, [that] the existence of a public role of the church does not necessarily mean that it has or must have a public influence, but that churches are entitled, as much as any other civil society organization, to express their political views in public.”*³³

The third implication of Kuyperian’s sphere sovereignty is that *“religious freedom encompasses the autonomy to live according to one’s religious perspective in each sphere of society.”* In other words, religious freedom is related to the possibility of religious expression in each sphere of society. Of course, the freedom to structure each sphere of life according to one’s religion can never be absolute, but must be contained within a constitutional framework in which all religious groups are required to accept the rules of the game of a truly pluralist society and a democratic system. The right to religious expression can never be an argument for the discrimination or social exclusion of minorities. Besides, in order to *“live according to one’s religious perspective in each sphere of society,”* then *“existence of normative boundaries between the different spheres of society, which is at the core of the concept of sphere sovereignty,”* is crucial for the protection of religious freedom; so, *[for] religious expression [to] be considered legitimate in the government sphere, then it should also be accepted in any other sphere of society.”*³⁴

3.3 Sphere Sovereignty Revisited: An Analytical Tool

3.3.1 The use of sphere sovereignty as an analytical category, instead of a normative concept

It has been already stated that according to the Kuyperian’s perspective the concept of sphere sovereignty is a normative concept and prescribes how societies should be ordered. From this

³² Dennis P. Petri & Frans Visscher, Revisiting Sphere Sovereignty to Interpret Restrictions on Religious Freedom. *Philosophia Reformata* 80 (2015), p. 104.

³³ Dennis P. Petri & Frans Visscher, Revisiting Sphere Sovereignty to Interpret Restrictions on Religious Freedom. *Philosophia Reformata* 80 (2015), p. 104.

³⁴ Dennis P. Petri & Frans Visscher, Revisiting Sphere Sovereignty to Interpret Restrictions on Religious Freedom. *Philosophia Reformata* 80 (2015), p. 105.

position observing religious freedom can be, to certain extent, constraining because as a normative concept is limited to the description of how society should be ideally organized.

Then, revisiting the concept of sphere sovereignty with the aim of using it as an analytical category, instead of a normative concept, would shed more light to the understanding of the multidimensionality of religious freedom. Fundamentally, we can better observe to what extent the autonomy of each sphere of life or society is respected and, therefore, to assess to what extent the possibility for religious expression in each sphere of society is respected and protected. The assessment would necessarily draw attention upon the notion of sovereignty in relation to the notion of autonomy.

3.3.2 Defining restrictions on religious freedom –religious persecution –as “any restriction on religious expression in any sphere of society.”

In order to be able to enquire these issues from a revised position, an alternative definition or approach of religious freedom, based on reformed political philosophy, needs to be propounded. The aim of this alternative approach should be understanding restrictions on religious freedom (religious persecution) as “any restriction on religious expression on any sphere of society”. In other words and based on the preceding definition, restrictions on religious freedom (or religious persecution) can be defined as “any unjustified restriction on religious expression in any sphere of society.” What is an unjustified restriction? The term “unjustified restriction” refers to “interventions of one sphere in another sphere aiming at influencing, regulating, or restricting religious expression as restrictions on religious freedom. Generally, restrictions of religious expression within any sphere will be considered as restrictions on religious freedom.”

Unjustified interventions are illegitimate since they infringed the autonomy of the legitimate spheres of society. Within this context we must understand religious persecution as an infringement of religious freedom. Assessing and interpreting religious persecution is a complex task, as many religious conflicts involve numerous variables. However, approaching religious conflicts in terms of “infringed sphere autonomy” may bring some clarity into the debate. In many cases, religious freedom is being infringed when one sphere illegitimately seeks to intervene in another sphere. For example, in authoritarian regimes, religious freedom is often restricted when the government sphere illegitimately interferes in other spheres of society to regulate religious expressions considered to be a threat, and when religious expression is restricted within specific spheres of society.

3.3.3 Approaching religious conflicts in terms of “infringed sphere autonomy”

Approaching religious freedom-religious persecution in terms of sphere sovereignty reveals the multidimensionality of religious freedom beyond the normative dimension. From this position, the assessment *“of religious freedom using sphere sovereignty, as a guiding principle, is a way to overcome this reductionist perspective of religious freedom. Respecting sphere sovereignty implies not only the autonomy of the church sphere, but also issues such as respect for parental rights in the family sphere, including the right of parents to raise their children according to their own beliefs, or the right to confessional education in the school sphere.”*

That is not to say that the sphere of sovereignty from a normative perspective is not functional in relation to the protection of religious freedom *vis-à-vis* religious persecution. Indeed, the best safeguard for religious freedom is to ensure not only the autonomy of each sphere of society, but specifically that free religious expression in each sphere of society is ensured. Therefore, true religious freedom requires not only respect for a sovereign church sphere -church autonomy-, which is part of the principle between the separation between church and state, but it also demands freedom for religious expression in the family sphere, the school sphere, the government sphere, and in all other spheres. After all, religious freedom is more than freedom of religious worship; religious freedom also includes (for example) the freedom for Christian religious expression in the family sphere, the school sphere, the government sphere, and in all other spheres.

Essentially in all spheres of society spheres, religious freedom and freedom of religious expression should be respected. As part of this amalgam of normative requirements, an important additional concept must be embraced. This thought refers to the concept of institutional religious freedom and which complements the traditional focus on individual religious freedom. Religious freedom is very often not just expressed in individual terms but also in collective terms for communities. However, institutional dimension of religious freedom recognizes and emphasizes the respect for the religious identity of faith-based organizations, and their entitlement to religious freedom, for example, schools, NGOs, businesses, etc., an area currently under pressure by secular intolerance. Simply put, religious freedom should be observed in the workplace and must include absolute freedom for personnel policy. For example, Christian schools should be allowed to adopt its own human resources or personnel policy and not be required to hire people from other worldviews. Similarly, businesses should be allowed to conduct their own internal policies in the way the business owner believe it should be done and in accordance to his/her religious conviction. However, the implementation of any policy must comply with the principle of no discrimination and respect for other people's beliefs. Human rights norms guarantee this dimension of religious freedom but, how do we observe the degree to which religious freedom is respected?

Religious assessment tools and different methods are employed to measure the extent to which religious freedom is respected. Of course, each of these tools has advantages and disadvantages. For that reason, it is convenient to have an insight into these instruments.

Chapter II

Religious Freedom Tools: Measuring Religious Freedom Violations

2.1 The three Myths of Religious Persecution

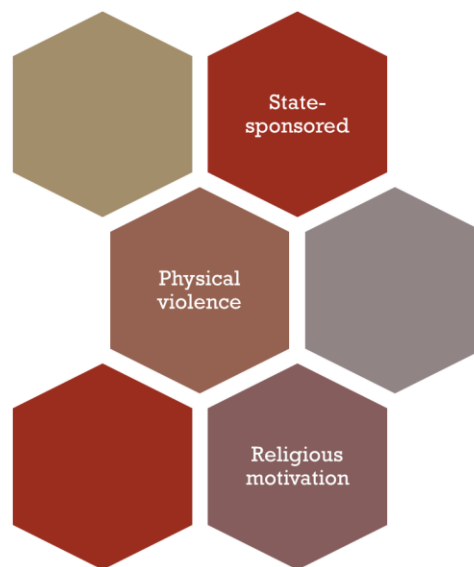
First of all, it is important to clarify the concept of religious persecution since it has been obscured by three commonly misguided myths or assumptions. Thus, the first wrong perception is that journalists, academics and people, as a whole, tend to assume that religious persecution is unidirectional. In other words, they think that religious persecution is always state-sponsored. However, religious persecution can also be induced by other actors such as organizations, groups and individuals. A correlated issue is that human rights advocates have the tendency to defend that the state is ultimately responsible for ensuring the protection of human rights and that, if the state machinery is not upholding the duty to protect those rights, then the state is indirectly responsible for the infringement of those rights. This is indeed a valid concern, but, conversely, from an analytical perspective, there is persecution caused by other actors, by organized crime, by tribal leaders and other religious groups, by mobs, by multilateral institutions. In many Latin American countries, for example, *the challenges to the church and to organized religion, as also has been noted, come not only from the government but from the operation of criminal, guerilla, and paramilitary actors engaged in violence against their fellow citizens. In defending the right to life and dignity of its innocent and tormented people, the Church's bishops, priests, and religious lay workers have often become the victims of retaliatory violence at the hand of these criminal groups.*"³⁵

Second, myth is that religious persecution only happens when it involves physical violence. This is not the case. Religious persecution also encompasses many strategies not related to physical violence. These forms of religious persecution are pressure, restrictive policies, legislation restricting religious freedom, discrimination such as exclusion from access to social services, etc. Therefore, physical violence is only one manifestation of religious persecution.

The third myth is that religious persecution is only caused by religiously motivated perpetrators. In contrast, the empirical evidence demonstrates that religious persecution is frequently caused by other motivations rather than religious ones. The motivations are varied and range, political, economic and cultural motivations, amongst others, which could lead to the persecution or vulnerability of religious minorities. As affirmed earlier, any form of religious behavior such as greed, or restriction on religious freedom and expression, in the sphere of society, which threatens or could cause harm to religious minorities, for religious reasons and non-religious reasons, constitute religious persecution. But, what does religious persecution exactly mean?

³⁵ Dennis P. Petri (2015). "Challenges to religious freedom in the Americas" Testimony before the Subcommittee on the Western Hemisphere, House Committee on Foreign Affairs, p. 27.

Figure 19. Three myths of religious persecution



Source: own elaboration.

2.2 Definitions of religious persecution

Taking this discussion further, it seems that the notion of religious persecution suffers from a woeful lack of definition or, rather, those propounded ones, seem to be very narrow, vary broad or indeterminate.³⁶ The 1951 Refugee Convention, for example, does not define the concept of persecution but it relies greatly on the concept of persecution. The Convention, limited in scope, only embraces two material elements of persecution. First, in order to qualify as a refugee, a person must be persecuted only for reasons of “race, religion, nationality, membership of a particular social group or political opinion”. The Convention is silent on latent situations that do not physical violence such as hostile attitudes, words and actions. Second, Article 33 of the Convention stipulates clearly that threats to life or freedom are comprised within the scope of the term persecution even though the term is not defined. It must be emphasized here that the opposite is not exactly accurate: persecution cannot be defined as including only threats to life and freedom such as threat of death, torture, or cruel, inhuman, or degrading treatment or punishment.

As stated before, persecution has many different motivations not included in the Convention. The restriction of freedom of religion and religious expression, as well as the discriminatory deprivation of opportunities for religious self-fulfillment do not amount to persecution in terms of the Convention. The scope of persecution enshrined in the Convention is arguably narrow. In order to be entitled to for refugee status for religious persecution reasons, the scope of the notion

³⁶ “There is no international legal definition of persecution. Situations can be defined as persecution where persons experience the denial of the rights listed in Article 18 of the Universal Declaration of Human Rights;” see World Watch List 2018, Compilation Volume 1, p. 137.

has to be narrow for practical reasons; otherwise any individual could become refugee outside the Convention regulations. Of course, the recognition fear of persecution and lack of protection are themselves interrelated elements. However, the refugee must be ‘outside’ his or her country of origin, and having crossed an international border. In addition, it is not necessary to have fled by reason of fear of persecution, or even actually to have been persecuted. The fear of persecution looks to the future, and can emerge during an individual’s absence from their home country, for example, as a result of intervening political change. However, there is no necessary linkage between persecution and government authority.

Advocacy and faith-based organizations tend to adopt a much broader definition of religious persecution. For example, the WWL has adopted a broad definition of persecution, and includes types of harassment in its definition.³⁷ The WWL also assesses the severity of persecution. Taking a broader approach makes sense because it exposes as much as possible the vulnerability of religious minorities. It also helps to justify why an organization is trying to help those groups. When justifying interventions, advocacy or faith-based organizations need to clearly state, from the outset, that they are taking a broad approach to religious persecution.

In addition, while it is true that persecution is not only physical violence, a far-reaching approach to religious persecution must entail the supplementary definitional component of pressure or symbolic violence. This concept of symbolic violence is an extension of the term violence and it is used to include various approaches of unnoticed or unconscious social and cultural domination. It was developed by the French sociologist Pierre Bourdieu in order to explain how social hierarchies and inequalities are maintained by means of symbolic domination and not as much by physical violence. Bourdieu defines symbolic violence as a form of violence, “*exerted for the most part...through the purely symbolic channels of communication and cognition...recognition or even feeling.*”³⁸

Thus, symbolism and meanings are imposed and maintained on groups or people through daily social habits; or in such a way that the social habits are experienced as legitimate. Thus the gradual acceptance of ideas and perception that daily habits are legitimate tend to subordinate certain groups of people, concealing the unbalanced and the underlying power relations subordinator-subordinated.³⁹ This type of violence is imperceptible and insidious. It is purely psychological violence in the sense that it is internal to the self-consciousness of the individual. Symbolic violence, for example constant fear, could be worse than physical violence or just as terrible as physical violence. It is all part of this continuum.

In contrast a number of organizations and analysts use the term persecution restrictively. They employ the notion only in relation to the most extreme cases of violence, excluding symbolic violence. Nevertheless, persecution varies in intensity and it ranges from low intensity to extremely high intensity.⁴⁰ Thus, it is crucial to consider religious persecution as a continuum because this

³⁷ World Watch List 2018, Compilation Volume 1, p. 141.

³⁸ Bourdieu, P. (2001) *Masculine Domination*, Cambridge: Polity Press, p. 2.

³⁹ See Connolly, P. and Healy, J. (2004) ‘Symbolic Violence, Locality and Social Class: the educational and Career Aspirations of 10-12 year old boys in Belfast’ *Pedagogy, Culture and Society*, Vol.12, No.1: pp. 15-34.

⁴⁰ In the WWL Methodology, “high” levels of persecution occur when the score-range is 41 to 60 points. Above this there are two other categories: “very high (61-80pts)” and “extreme (81-100pts).” In the WWL Methodology, “high” is defined as “where living as a Christian means that although there may be a tolerated church which enjoys some

approach helps to construct a comprehensive picture of persecution. It also supports with the diagnosis of the different insensitive levels of persecution within the continuum. Certainly, definitions matter within the field of social sciences when describing a phenomenon and attempting to eliminate confusions around terms. The more comprehensive a definition is the better it is. In the case of persecution, it all depends on how persecution is defined and observed; broadening our minds aids that needed comprehensiveness.

2.3 Broadening Your Mind

Daniel Kahneman, a psychologist and a Nobel laureate in economics, suggests the exercise of broadening our minds.⁴¹ Broadening the mind is an important exercise because it favors a comprehensive definition of persecution and, consequently, it allows to analyze imperceptible realities, such as symbolic violence. Broadening our mind helps to lessen the negative impact of the biased decision-making and, extrapolating the process to religious persecution, it could make a difference between preserving the rights of vulnerable minorities and infringing those rights.

Kahneman presents us with two decisions to make. Each decision has two options and we must choose one option. Consequently, the first decision corresponds to selecting an outcome from two from an investment opportunity: A) one outcome is a sure gain of \$240 or, alternatively B) a 25% chance to gain \$1,000 and 75% to gain nothing. What would we do between the two alternatives? We need to decide which alternative we prefer. The second decision corresponds to choosing between two investment opportunities with two different outcomes: C) one outcome would be a sure loss of \$750; D) the other would be a 75% chance to lose \$1,000 and 25% chance to lose nothing. There may be different preferences but it all depends on how risk averse we are.

A close look at the options in a combined mode would suggest that most individuals would choose options A and D since alternatives are the surest options. If we observe these options combined, which means 25% chance to win \$250 and 75% to lose \$750, many people would avoid options B and C independently. Nevertheless, if we see these options in a combined fashion, and not independently, then the least attractive options become the best options because we would have 25% chance of winning \$250.

Repeatedly, the question is how broad or how narrow you look at things? The point to stress here is that when we look at religious persecution we need to observe it in the broadest possible way and whilst being aware of sticking ourselves rigidly to generic or conventional methods of analyzing persecution, selecting of evidence and definitions or, perhaps, our ‘bias’ tendency to rely heavily on certain traits of information. Of course, religious assessment tools must reflect this requirement.

freedom, in practice prominent Christians are targeted, churches themselves subject to significant restrictions, and the culture remains largely hostile to a Christian presence in such areas as education and employment;” see World Watch List 2018 Compilation Volume 1, pág. 142.

⁴¹ See Kahneman, D. (2011), *Thinking, Fast and Slow*.

2.4 Comparison of Religious Freedom Assessment Tools

Religious freedom assessment tools are instruments employed with the aim of examining the levels of religious freedom in states. There are several instruments but there are four well known and mostly used. The first tool is the Religious Freedom Rating currently hosted by at the Hudson Institute.⁴² The second tool is the World Watch List of Open Doors International (WWL). The WWL specifically focuses on persecuted Christians and the top 50 countries where they are persecuted. The International Religious Freedom Data from Pennsylvania State University is the third tool. It is based on information provided by the International Religious Freedom Reports, published annually the USA State Department. The fourth tool is the Government Involvement in Religion, developed by the Religion and State Project of Bar-Ilan University, Israel. The Religion and State Project is the most solid one from an academic perspective. However, the tool focuses only on state policy or the relationship between religion and the state, leaving aside religious freedom restrictions imposed by non-actors. Yet, it is a good starting point of analysis of these tools.

Figure 20. Religious freedom assessment tools.

Religious Freedom Assessment Tool	Responsible institution
Religious Freedom Rating	Center for Religious Freedom (Hudson Institute)
World Watch List	World Watch Unit (Open Doors International)
International Religious Freedom Data	The Association of Religion Date Archives (Pennsylvania State University)
Global Restrictions on Religion	Pew Research Center's Forum on Religion & Public Life
Government Involvement in Religion	Religion and State Project (Bar-Ilan University)

Source: own elaboration.

2.5 Government Involvement in Religion

We have already introduced the different type religious policies, official religion, religious support, religious regulation and religious discrimination. However, these attributes of a government involvement in religion need a core of aggregates in order to form a comprehensive picture of religious freedom. Thus, we can observe from the collected data concerning government involvement in religion that a high number of Christian Majority States have an official religion

⁴² This instrument was developed by Paul Marshall at the Center for Religious Freedom. It was hosted by Freedom House before it was transferred to the Hudson Institute. The International Religious Freedom Data is an outdated version of the Global Restrictions on Religion of the Pew Research Center's Forum on Religion and Public Life, currently the most mediatized document.

but the average number of types of religious support, religious regulation and religious discrimination is relatively low.⁴³ This trend is similar in developing countries Christian majority states. However, the official religion and religious support are lower in developed Christian majority states. Comparatively, developing countries are doing slightly better than developed countries Western countries. Christian majority states around the world are average or below in most variables (see table).

In Muslim Majority states the situation is very different. Half of countries have an official religion (53.2%); religious support (15.91), religious regulation (7.28%) and discrimination (10.0%) is higher than in Christian countries. Of course, we have other religions, particularly Judaism and the only Jewish state in the world is Israel. We have to add Hindu states to this cohort. The panorama is fairly diverse.

Figure 21. Relationship between religious policies and official religion.

	Christian-Majority States I	Christian-Majority States II	Muslim-Majority States	Other Religions	WORLD
Official religion	19.6%	11.5%	53.2%	9.4%	24.3%
Average number of types of religious support	7.59	5.08	15.91	6.56	8.88
Average number of types of religious regulation	2.63	2.06	7.28	4.84	8.86
Average number of types of religious discrimination	6.09	2.27	10.0	6.78	11.11

Source: Fox (2013), An Introduction to Religion and Politics.

2.6 The Government Restrictions Index

The 2017 Government Restrictions Index (a much mediatized index developed by the Pew Research Center) “*gauge[s] the extent to which governments try to control religious groups or individuals, prohibit conversions from one faith to another, limit preaching and proselytizing, or otherwise hinder religious affiliation by means such as registration requirements and fines. [It] seek[s] to capture both relatively straightforward efforts to restrict religion – for example, through a nation’s constitution and laws – as well as efforts that are more indirect, such as favoring certain*

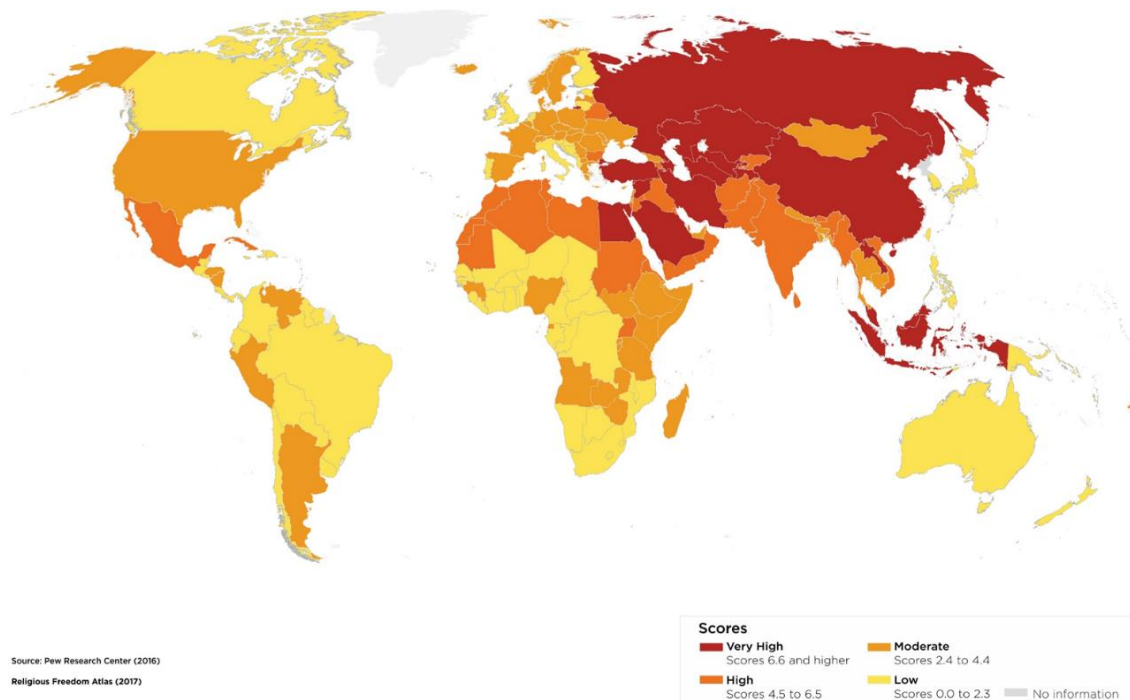
⁴³ Source: Fox (2013), An Introduction to Religion and Politics.

religions by means of preferential funding.”⁴⁴ The index shows the different levels of government restrictions on religion, ranging from low to very high levels of restriction. The lower the color the less restriction is there in a country. In general, government restrictions of religions in Latin America are relatively low but the low levels of restriction correlate to specific countries. This does not mean that there is no religious violence but, as far as government restrictions are concerned, the situation is relatively positive.

Figure 22. Restrictions index 2017. Pew Research Center

Government Restrictions Index

Government Restrictions on Religion



Source: Religious Freedom Atlas (2016).

One caveat with the data here is that the source of information is the International Religious Freedom Report of the USA State Department. These reports have a few disadvantages. Indeed, the analysis is subject to their specific and relatively narrow understanding of religious freedom and religious persecution. The other problem is that examination of restrictions at the local level is omitted. Analysis of restrictions, for example, inside indigenous communities is overlooked in Latin American countries. Another limitation of this approach is that observations do not look at enforcement issues in rural and remote areas. In Latin American countries such as Colombia and Mexico criminal groups (drugs, human trafficking etc.) use violence to keep the Church under control, especially at the level of the local community. At national level the interests of these groups are served by co-opting politicians and the security apparatus of the state. Yet, organized

⁴⁴ <http://www.pewforum.org/2009/12/17/government-restrictions-index-gri/>

crime and their means of imposing restrictions on religion, when they take over the state authority in some parts of Latin America, particularly in parts of Mexico and Colombia, is discounted from the data if it is not overt. The tool is very helpful but it has some shortfalls.

2.7 The Social Hostilities Index

The Pew Research Center (PRC) also publishes the Social Hostilities Index involving religion. This index *“is a measure of concrete, hostile actions that effectively hinder the religious activities of the targeted individuals or groups. An absence of social hostilities does not necessarily mean, however, that there is no religious tension or intolerance in a society.”* The Center also states that the index’s aim is *“to gauge hostilities both between and within religious groups, including mob or sectarian violence, crimes motivated by religious bias, physical conflict over conversions, harassment over attire for religious reasons, and other religion-related intimidation and violence, including terrorism and war.”*⁴⁵

The data presented by the index shows quite low scores in Latin America. However, as pointed before, it all depends on the sources of the information and the definitions used when the information is collected. In this regard, the Social Hostilities Index and the Government Restrictions Index present a very partial picture of religious persecution. There are many aspects of religious freedom that go unnoticed.

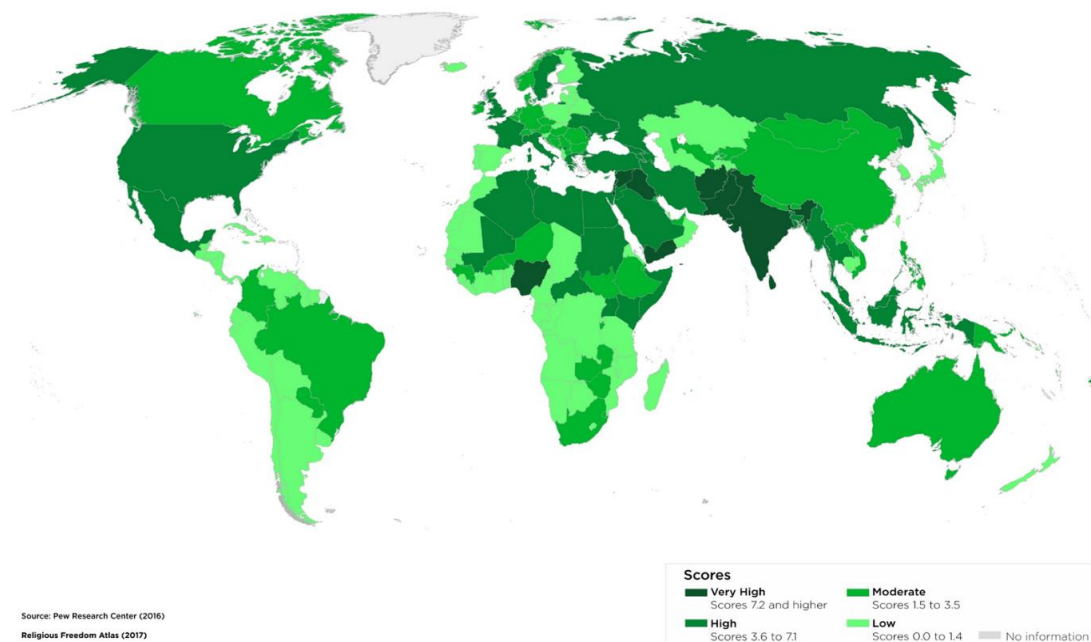
It is true that restrictions on religion and social hostilities can result from the actions of governments and that the most obvious acts are easier to observe and document. However, the acts of violence and intimidation committed by private individuals, organizations or social groups are the most difficult to observe and, possibly, for this reason they have not been considered by the data. In fact, the PRC accepts that *“absence of social hostilities does not necessarily mean, however, that there is no religious tension or intolerance in a society. In some cases, the lack of social conflict may be due to heavy-handed government actions that squelch many forms of public expression.”* These shortfalls do not mean that these tools should be rejected since they document and describe the situation of religious persecution and religious freedom around the world. It is just that the methodology perceives religious freedom from a more narrow perspective.

⁴⁵ Pew Research Center, Social Hostilities Index, 2016, <http://www.pewforum.org/2009/12/17/social-hostilities-index-shi/>.

Figure 23. Social Hostilities Index. Pew Research Center.

Social Hostilities Index

Social Hostilities Involving Religion



Source: Religious Freedom Atlas (2016).

2.8 The Global Anti-Semitism Index

The Anti-Semitism Index is another tool.⁴⁶ The index presents data of about anti-Semitic attitudes globally and how they vary widely along religious, ethnic, national and regional lines. The survey also ranks countries and territories in numerical order from the least anti-Semitic (Laos, at 0.2 percent of the adult population) to the most (West Bank and Gaza, where anti-Semitic attitudes, at 93 percent, are pervasive throughout society).⁴⁷

Surveys have disadvantages and advantages. A disadvantage is that these tools tend to implicitly focus on specific issues such as perceptions and religious freedom violations, but not on the group suffering these violations. In contrast, a clear advantage is that if surveys are sound then these tools can describe perceptions and quantify religious freedom violations accurately, despite the low margin of error. The survey carried out in 2015 is a clear example. In this case the margin of error for most countries, where 500 respondents were selected, was +/- 4.4 percent. In various larger countries, where 1,000 interviews were conducted, the margin of error was +/- 3.2 percent.⁴⁸ Furthermore, the data is available for further research about anti-Semitism issues and for cross-national comparisons. The index also supports the development of a better understanding of “*the magnitude of anti-Semitism around the world... assess[ment] where it is most problematic, how*

⁴⁶ The source of the data is the UN Department of Social and Economic Affairs.

⁴⁷ <https://www.adl.org/adl-global-100>

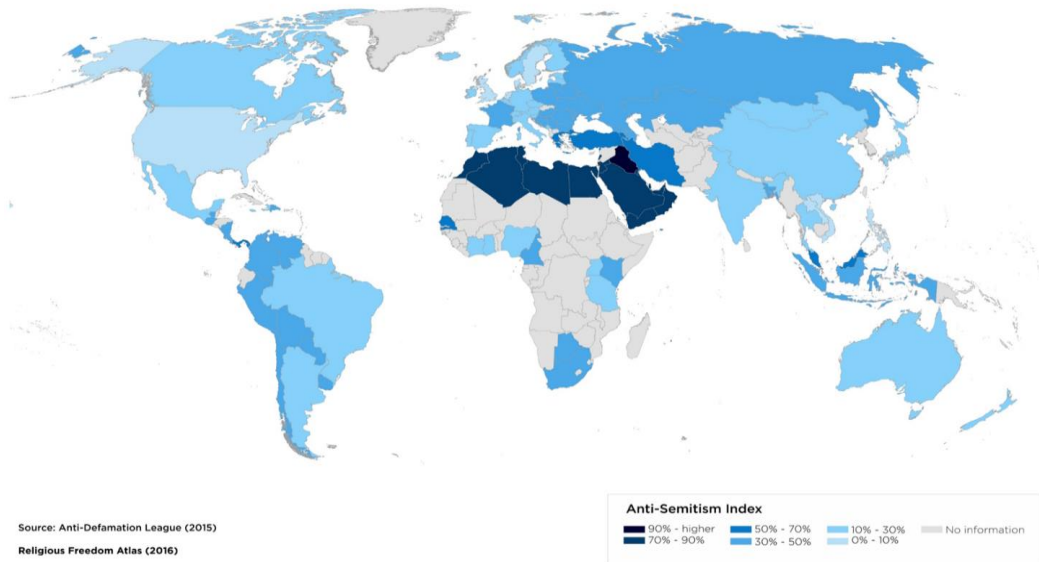
⁴⁸ <https://www.adl.org/adl-global-100>

pervasive it is in certain regions, and exactly which anti-Jewish beliefs are the most seriously entrenched.”⁴⁹

Figure 24. Index of anti-Semitic attitudes in the world.

Anti-Semitism Index

Percent responding “probably true” to a majority of anti-Semitic stereotypes



Source: Religious Freedom Atlas (2016).

2.9 Islamist terrorist attacks in Western countries

In dealing with this problem we need to observe this map of Islamic terrorist attacks in Western countries carried out between 1985 and 2016. We can see that Islamic terrorism is a recent but an increasing phenomenon since 1985. Islamic terrorism did not start with 11 September in 2001 and the subsequent attacks in Europe. In relation to the discussion at hand, Islamic terrorist attacks are generally viewed as not being carried out against Christians. In other words, they do not constitute Christian persecution. Why are they not being labelled as Christian persecution?

The answer to the question is straight forward. The targets of the attacks are not churches or other Christian religious buildings. The attacks are frequently directed at concert halls, at football stadiums, at different entertainment places or commercial areas where a great number of people killed may not have been religious believers. The targets can be viewed as symbols of highly secularized Western societies. The World Trade Center was a business building. Consequently, Islamic terrorism cannot be considered as religious persecution but rather a political problem. It is directed against governments, using strategic targets, with the intention of forcing them to change

⁴⁹ <https://www.adl.org/adl-global-100>

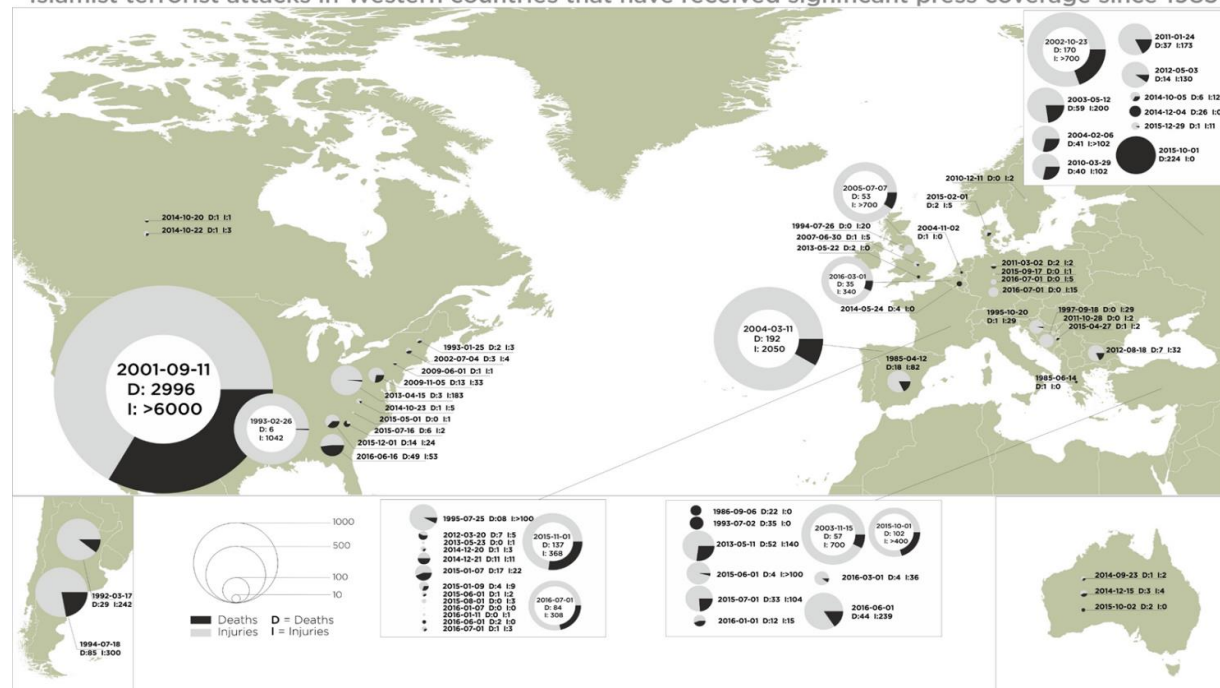
a policy or course of events. An attack on a Christian religious building motivated by political reasons, thus, cannot be viewed as religious persecution in *sensu stricto*.

However, the converse is also true when the terrorist attacks are religiously motivated. That is why it is extremely important to understand the motivation of the perpetrators. A narrow definitional perspective is problematic. However, adopting a broad position would permit one to view Islamic terrorist attacks as persecution against religious targets.

Figure 25. Map of Islamic terrorist attacks.

Islamist terrorist attacks in Western countries (1985-2016)

Islamist terrorist attacks in Western countries that have received significant press coverage since 1985



Source: Religious Freedom Atlas (2016).

2.10 Methodology of the World Watch List

The methodology of the WWL is comprehensive. It is an index of the persecution of Christians published annually by Open Doors International, a Christian charity. Although Open Doors International is a faith-based organization which could be labeled as an “interest group” – its programs serve Christians who are persecuted for their faith. The WWL can be considered as a scholarly tool for the assessment of religious freedom.⁵⁰

The definitions used by the WWL is broad. It has some shortcomings as well. However, it makes important contributions to the understanding of religious persecution and religious freedom in the world. As part of the comprehensiveness of the methodology the definition of religious persecution, employed by the WWL, is far-reaching. Accordingly, the WWL defines persecution as “*any hostility experienced as a result of one’s identification with Christ.*” Persecution includes “*hostile attitudes, words and actions towards Christians.*”⁵¹ The methodology defines a Christian (sociologically) as “*anyone who self-identifies as a Christian and/or someone belonging to a Christian community as defined by the church’s historic creeds*”. The conceptual frameworks embraces the notion of ‘census Christian’. This term is used for the self-identified nominal Christian. In other words, the WWL is not deciding whether someone is a good or a bad Christian nor does it exclude specific Christian denominations from the data. Self-identification is the core. Therefore Christians include all types of Christians in a broad sense: Protestants, Catholics, Orthodox, etc. The methodology also includes even marginal Christian groups or sects, as long as they identify themselves as Christians.

The research is carried out by assessment experts, persecution analysts collaborating closely with researchers and other experts operating at regional, national and subnational levels who work on the ground for Open Doors. An audited questionnaire by the International Institute for Religious Freedom (IIRF) is the main tool behind the WWL. The IIRF inspects the WWL methods for arriving at country scores and their transnational comparability. It has also checked their proper application on varying sample countries for WWL 2014-2018. The main focus of the audits is to guarantee credibility, transparency, objectivity, academic quality and consistency in the processing of the WWL questionnaires for the different countries with their specific persecution situations.⁵²

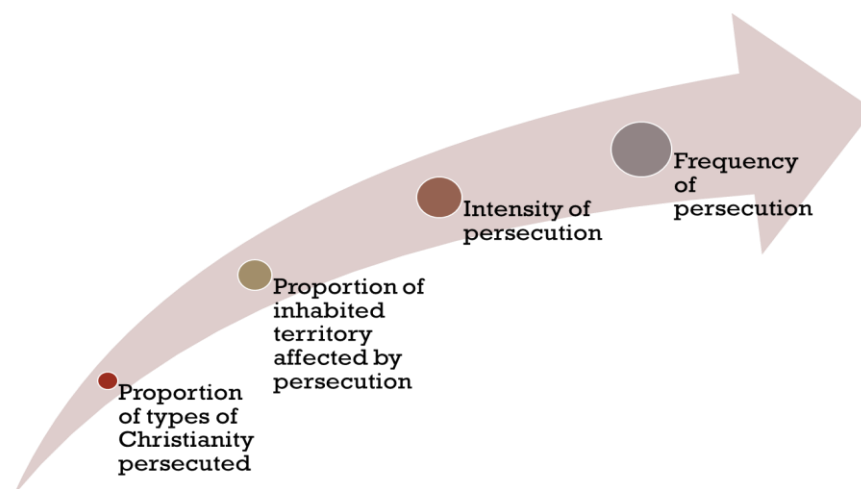
The WWL questionnaire includes 90 questions distributed over the different spheres of life or different blocks. Each question is answered according to 4 answers, elements that describe 1) the proportion of denominations of Christianity persecuted; it is not all denominations that are necessarily persecuted, it really depends on the context; 2) the proportion of inhabited territory affected by persecution, but not necessarily the whole country; 3) the intensity of persecution and then 4) the frequency of persecution.

⁵⁰ Open Doors is a faith-based organization and, therefore, is particularly concerned with the position of church and church life in different countries.

⁵¹ This definition is derived from Ron Boyd- MacMillan’s book.

⁵² WWL, p. 341.

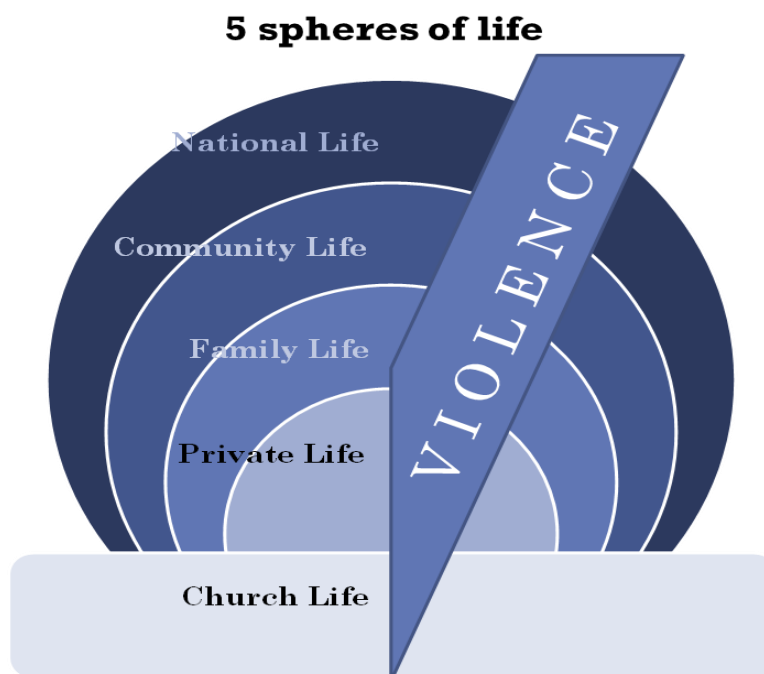
Figure 26. Spheres of life addressed by the WWL questionnaire.



Source: own elaboration.

The methodology measures pressure and religious violence experienced in all spheres of life: private, family, community, national and church. It also measures violence as a cross cutting block that cuts through the other spheres of life. The first four spheres, private, family, community, national are concentric circles. They go from the inner core of the circle towards the broader society.

Figure 27. Transversality of violence.



Source: own elaboration.

Then, the pressure on Christians and the violent incidents occurring against Christians can be compared from country to country regardless of the origin of the hostilities involved. This is possible because the WWL Methodology takes as its starting point the pressure and violence Christians experience in different spheres of life. Whether this pressure or violence originates from the same or different persecution engines is not relevant for the final score. The highest possible total score on the WWL is 100 points; the higher the score, the more intense is the persecution situation.⁵³ The core issue is that Christians can become vulnerable, directly, in the form of violence (smash), or indirectly through restrictions (squeeze). This distinction is important because a country with the highest squeeze has barely any violence. Indeed violence is incidental since Christians are already too restricted, or are already absolutely under pressure, and with no possibilities of expressing themselves. So it squeeze never come to smash.

The World Watch Methodology distinguishes between 8 persecution engines, each displaying their own brand of hostility towards Christians. The persecution engines are:

- a) **Islamic oppression.** This engine describes the persecution situation where countries, communities and households are being forced under Islamic control. This can be done gradually by a process of systematic Islamization (building up pressure) or suddenly by the use of militant force (violence) or by both together;
- b) **Religious nationalism.** This persecution engine is the equivalent of Islamic oppression. It describes the persecution situation where countries, communities or households are being forced under the control of one particular religion (other than Islam). This religion can be Hinduism, Buddhism or Judaism, or any other. The process can be gradual and systematic (via a building-up of pressure), or abrupt (through violence). Often it is the combination of both that increasingly makes life difficult for Christians in the country;
- c) **Ethnic antagonism.** This engine describes the persecution situation where communities and households are being forced to adhere to age-old indigenous customs established by tribes or ethnic people groups. There is a huge variety of groups here. The ‘mechanics’ of this engine is comparable to Islamic Oppression and Religious Nationalism - there often is a combination of a gradual building-up of pressure and incidental outright violence;
- d) **Denominational protectionism.** This engine describes the situation where fellow Christians are being persecuted by one church denomination to make sure it remains the only legitimate or dominant expression of Christianity in the country. This engine is comparable to the other engines that are related to religious expressions: It is characterized by a combination of subtle pressure and outright violence, although in practice the balance is often towards non-violence;

⁵³ Dennis P. Petri, *The Vulnerability of Religious Minorities*, PhD thesis at VU University Amsterdam, forthcoming; Dennis P. Petri & Rossana Muga, *General overview of persecution of Christians in Latin America. A research agenda*. Observatory of Religious Freedom in Latin America, Essay 2, 18 March 2018; Christof Sauer, “Measuring persecution. The new questionnaire design of the World Watch List”, *International Journal of Religious Freedom*, Vol 5 Issue 2 2012: *Measuring and Encountering Persecution*.

- e) **Communist and post-Communist oppression.** This engine describes the situation where Christians are being persecuted and churches controlled by a state system that derives from Communist values. Key for controlling churches is a rigid system of state registration and monitoring. This system may still be in use in countries after the fall of Communism, as is the case in Central Asia. Although the engine relies on a combination of pressure and violence, the violence is often not particularly visible because the system's hold on the church is complete and tight;
- f) **Secular intolerance.** This engine describes the situation where Christian faith is being forced out of the public domain, if possible even out of the hearts of people. Its drivers seek to transform societies into the mold of a new, radically secularist ethic. This new ethic is (partly) related to a radically new sexual agenda, with norms and values about sexuality, marriage and related issues that are alien to, and resisted by the Christian worldview. When Christian individuals or institutions try to resist this new ethic, they are opposed by (i) non-discrimination legislation, (ii) attacks on parental rights in the area of education, (iii) the censorship of the Cross and other religious symbols from the public square, (iv) the use of various manifestations of "hate" speech laws to limit the freedom of expression, and (v) Church registration laws. Most of this is not violent, although arrests of pastors and lay people have happened;
- g) **Dictatorial paranoia.** This engine describes the persecution situation where an authoritarian government at different levels of society, assisted by social stakeholder groups, does all it can to maintain power. There is no special focus on realizing an ideological vision; it seems lust for power, and the benefits it brings with it, are decisive. The dynamics of this engine are comparable to Communist and post-Communist oppression: although the engine relies on a combination of pressure and violence, often the threat of violence is sufficient to force the non-state controlled Church underground;
- h) **Organized corruption and crime.** This engine describes the persecution situation where groups or individuals are creating a climate of impunity, anarchy and corruption as a means for self-enrichment. It has two main 'branches': (i) corruption within state structures and (ii) corruption of society by organized crime. This engine expresses itself through a combination of systematic pressure caused by fear of violent repercussions in case of non-compliance, and by the exercise of such violence.⁵⁴

These persecutions are used as a framework by the methodology in order to understand and document persecution. They are not mutually exclusive. One engine can overlap with another. For example, it could be that Communist oppression overlaps with dictatorial paranoia, or Islamic oppression with dictatorial paranoia or that secular intolerance overlaps with Communist and post-Communist oppression. The configurations are as diverse as are the specific drivers of persecution.

The WWL Methodology distinguishes between 12 drivers of persecution. The term "*drivers of persecution (engines)*" is used to describe people and/or groups causing hostilities towards

⁵⁴ WWL, pp. 125-127.

*Christians in a particular country.*⁵⁵ There are a whole range of drivers of persecution, or actors, and all can cause persecution in different constellations. Who are these drivers of persecution?

- a) Government officials at any level from local to national. E.g. teachers, police, local officials, presidents, such as Kim Jong Un
- b) Ethnic group leaders. E.g. tribal chiefs
- c) Non-Christian religious leaders at any level from local to national. E.g. imams, rabbis, senior Buddhist monks
- d) Christian religious leaders at any level from local to national. E.g. popes, patriarchs, bishops, priests, pastors
- e) Violent religious groups: E.g. Boko Haram (Nigeria), Hamas (Palestinian Territories), Bodu Bala Sena (BBS) and the Sinhala Ravaya (SR) - both in Sri Lanka
- f) Ideological pressure groups: E.g. LGBTI rights groups, Abortion Rights UK, National Secular Society
- g) Normal citizens (people from the general public), including mobs E.g. students, neighbors, shopkeepers, mobs
- h) Extended family. E.g. one's direct family members or the wider circle of kinsmen.
- i) Political parties at any level from local to national. E.g. Bharatiya Janata Party (BJP) in India, AKP in Turkey
- j) Revolutionaries or paramilitary groups. E.g. FARC
- k) Organized crime cartels or networks. E.g. There are several cartels in Latin America, Italy and other parts of the world.
- l) Multilateral organizations (e.g. UN/OIC) and embassies E.g. UN organizations pushing for compulsory sexual education programs contrary to Christian values, OIC pushing for Islamization of the African continent.⁵⁶

2.11 Contribution of Religious Freedom Assessment Tools

The religious freedom assessment tools present, at least, four important contributions to the understanding of religious freedom. First, as stated in this paper, these tools document the situation of religious freedom worldwide. This advantage provides the benefit of presenting a macro overview of the state of religious freedom. Second, they describe and quantify religious freedom violations based on systematic methodologies, facilitating further scientific research in the field. In connection to this point, the description and quantification of data constitutes reliable evidence for the defense and implementation of human rights. Third, these tools make data available for cross-national comparisons which allow ranking, and identification of particular groups of countries in terms of categories and where negative perceptions and infractions of human rights are endemic.

Finally, the tools also allow us to see religious freedom as a 'social fact.'⁵⁷ A social fact can be defined as *"any way of acting, whether fixed or not, capable of exerting over the individual an*

⁵⁵ WWL, p. 128. Another name for drivers of persecution is actors of persecution. This latter is more in line with Political Science terminology.

⁵⁶ WWL, p. 128.

⁵⁷ The notion of social fact is a category constructed by French sociologist Emile Durkheim.

external constraint”⁵⁸ A social fact refers to facts, concepts, expectations that come not from individual responses and preferences, but that come from the social community. This community socializes each of its members and, although, individuals might accept the normative community behavior and share its values, they are constrained by its very existence.⁵⁹ Durkheim’s concept of social fact is a relevant tool when applied to religious freedom and religious persecution. Indeed, if we consider religious freedom as a social fact, then we can substantiate the argument that the drivers of persecution, such as individuals, groups, the government, etc. apply restrictions on Christian communities, cause hostilities, and daily affect an individual in every sphere of life. From this perspective, therefore, social facts include social institutions such as marriage, church, religion, all types of organizations, amongst others. We socially interact with other members of our communities and society and, deviating from the social established customs and rules makes an individual, or a minority, unacceptable or nonconformist in the wider society and, consequently vulnerable to intolerance and persecution.

Even so, some scholars would argue that religious freedom is not a relevant social fact to consider since the normative aspect of human rights is more important in preserving religious rights. Other criticisms of religious assessment tools have been added to the previous one. It has been argued that religious assessment tools are often disconnected from theoretical frameworks. Equally, it has been observed that there is a quantitative bias by focusing on quantitative data and that the data has limitations. They also tend to be state biased by mainly centering the analysis on the state as a driver of persecution, whilst not paying attention to the hostile actions of other actors.

Even though these tools present advantages for cross national comparisons, negligence of the local scale has been highlighted because their indexes are aggregates at a macro level, which could conceal local realities within a country. An implicit focus on religious freedom violations and not on the group suffering those violations is criticized. Finally, it is contended that the definitions of religious persecution and religion, employed by these tools, are narrow and ignore imperceptible variables. Nonetheless, quantitative tools need to restrict clearly what they are going to measure and use precise definitions in order to reach reliable conclusions. For example, anthropological reports cannot be quantified as such.

Within the context of these arguments, where do Islamists terrorist attacks fit? Do these attacks constitute persecution against Christians?

2.12 Critiques of Religious Freedom Assessment Tools

- a) Disconnection from theoretical frameworks
- b) Quantitative bias
- c) Negligence of the local scale
- d) State bias
- e) Implicit focus on religious freedom violations, but not on the group suffering these violations.
- f) Too restrictive definitions of “religious persecution” and “religion”

⁵⁸ Durkheim, Émile (1982) [1st pub. 1895]. Lukes, Steven, ed. *The Rules of Sociological Method and Selected Texts on Sociology and its Method*. W. D. Halls (translator). New York: Free Press.

⁵⁹ *Readings in Social Theory*, edited by James Faraganis, pp. 63-68, Chapter 2. McGraw-Hill Higher Education.

Chapter III

An Overview of Religious Freedom in Latin America

3.1 Challenges to Religious Freedom in Latin America

An overview of religious freedom in Latin America must be constructed upon empirical, measurable evidence regarding the most important challenges faced by vulnerable religious minorities in the region. But, what are the challenges faced by religious freedom in Latin America?

We can highlight seven challenges:

3.1.1. Actively practicing Christians are a religious minority in the region.

An important distinction must be made between nominal Christians and actively practicing Christians. The majority of Latin America's population is nominally Christian (90%, with the exception of Cuba and Uruguay) but in most Latin American countries less than 50% of all Christians regularly attend church. The most basic type of practice is church attendance. Church attendance is higher in Protestant groups than among Catholics groups. Generally speaking, actively practicing Christians are a minority.⁶⁰ This practical distinction is important because an individual is not directly persecuted, due to self-identification as a Christian, owning a bible or going to church. However an active Christian practice can lead to vulnerability and persecution. Therefore, a vital factor in articulating the definition and identification of what constitute a Christian and a religious minority, within the Latin American context, is not by their identity but by their religious behavior or practice.

There are other ways to define an active practicing Christian. Thus, they can also be defined by observing how socially engaged they are, their active level of missionary work or participation in public debates. In regard to this idea, we notice that Protestants are more missionary active and Catholics are more engaged in civil society. Both groups constitute a minority by their religious conduct. The nominal Christian majority does not engage in this behavior in Latin America.

Furthermore, the distinction made before is essential from the WWL methodology perspective because all other religious assessment tools only observe religion based on identity. As a result of this shortfall, Latin America is a region with low levels of persecution of Christians. Of course, this is one way of reaching conclusions. However, an ample approach of the definition of a Christian, or Christian minority, allows one to screen the spectrum of reality more closely.

A very important point is that in Latin America there are no major issues with the legal framework in terms of religious freedom. Of course there are some minor issues. Those issues must be addressed but, in general, the legal framework is not the main problem in Latin America, in the sense that the human rights declarations have been ratified and religious freedom is guaranteed in

⁶⁰ Dennis P. Petri (2015). "Challenges to religious freedom in the Americas" Testimony before the Subcommittee on the Western Hemisphere, House Committee on Foreign Affairs, p. 3

constitutions, etc. On paper everything looks very positive. In practice there are huge enforcement challenges such as states not documenting religious freedom violations, states not upholding the protection of religious minorities, especially in remote rural communities, for example, as in the interior of Mexico where the state is very far away, there is effectively no rule of law.

3.1.2. The legal framework and enforcement challenges.

Most Latin American countries are signatories to the ICCPR, the UDHR and the American Convention on Human Rights. All these instruments protect the core right of freedom of religion. As far as national constitutions and state interference are concerned, there are no major concerns related to the legal protection of religious freedom neither. Thus, as far as the legal framework is concerned, it can be concluded that there are no major obstacles to religious freedom in the vast majority of Latin American countries, with the exception of Cuba.⁶¹

However, some issues must be addressed despite the nonexistence of obstacles in the legal framework. In practice there are huge enforcement challenges, mainly, states are not documenting religious freedom violations, or upholding the protection of religious minorities, especially in remote rural communities. For example, in the interior of Mexico, where the state presence is distant, there is no effective rule of law. These areas are under the control of organized crime and the state is basically at a disadvantage from the military point of view. In rural areas, church services are restricted by the generalized context of insecurity and impunity and by the orders of drug cartels that, in practice, regulate religion and religious expression. The right that is violated in both cases is freedom of assembly, which is an intrinsic element of freedom of religion.⁶²

3.1.3. Restrictions on religious freedom from a human security perspective

From the perspective of human security, the enforcement of religious freedom poses challenges for some religious minority groups. Violence is persistent and affects actively practicing Christians to a high degree. Pressure from organized crime cartels or networks, sometimes with the complicity of corrupt government officials, is experienced by actively practicing Christians in community life and often causes extremely high levels of violence. Extreme violence creates fear and pushes Christians and churches to go into hiding behind their front door such as Mexico. The threat is coming from non-state actors.

⁶¹ “Challenges to religious freedom in the Americas” Testimony before the Subcommittee on the Western Hemisphere, House Committee on Foreign Affairs, p. 3.

⁶² “Challenges to religious freedom in the Americas” Testimony before the Subcommittee on the Western Hemisphere, House Committee on Foreign Affairs, p. 4.

3.1.4. Organized crime is posing a threat to freedom of religion and expression in the Americas.

Speaking out against injustice – whether it is violence, drug consumption, drug trafficking, corruption or organized crime – and above all speaking out publicly, from the pulpit or in another setting, is extremely dangerous and can result in many forms of intimidation by gangs and drug cartels, including beatings, attacks on houses of church leaders, or even killings. There is widespread and sophisticated surveillance and monitoring by members of drug cartels within churches, including the content of sermons.⁶³

3.1.5. The hostility towards Christian converts in indigenous communities

Open Doors International reports that there is considerable pressure on Christians in indigenous areas in several Latin American countries. For example, in Mexican indigenous communities, converts from traditional religion are often victims of violence or destruction of their homes, and many need to flee. In indigenous areas, converts to Christianity are threatened by tribal leaders and they are not given sufficient protection by their governments. In Colombia, converts to Christianity are seen as a threat to the power of local fiefs and indigenous ancestral traditions, and are particularly vulnerable to suffering human rights abuses; they are denied equal participation in decision-making, and risk being tortured or displaced.

Yet the whole focus of the protection of minorities is on the protection of minorities against external threats. The whole system is based on the need to preserve indigenous cultures that have been under threat by colonizing forces, etc. Truly, indigenous cultures need protection because indigenous communities have already been under threat of extinction for centuries in Latin America. Nonetheless, cultural protection should not be a justification to ignoring religious freedom violations of minorities within those indigenous communities. That is a problem that we are observing in the legal framework. In theory, we should be able to balance these rights but in practice it is not happening. This is a huge challenge.

3.1.6. Restrictions on religious expression in communist and post-communist countries

In communist and post-communist countries, Christians are denied the freedom to exercise their right to worship as well as freedom of expression. Cuba is the only remaining Communist nation in Latin America. However, the Latin American post-Communist countries included in this framework are Venezuela, Bolivia and perhaps Ecuador. In these countries, Christians are denied to varying degrees their right to exercise their right to worship and freedom of expression.

Also social engagement in those countries is very difficult because of harassment, strict surveillance and discrimination, including the occasional imprisonment of leaders which is almost the normal pattern of life. Religious practice is monitored and all church services are infiltrated by spies in Cuba. In Venezuela, Christians with political views critical of the government are threatened with physical harm. The law requires all churches and non-profit making organizations

⁶³ “Challenges to religious freedom in the Americas” Testimony before the Subcommittee on the Western Hemisphere, House Committee on Foreign Affairs, p. 6.

to re-register their legal charters with the government in Bolivia.⁶⁴ This requirement involves supplying detailed data on membership, financial activity and organizational leadership. These problems are exacerbated by the fact that Latin American states are not always diligent enough in terms of investigating issues related to violations of freedom of religion and expression.

3.1.7. Secular intolerance is gaining importance

Secular intolerance is gaining importance across the region as well. This trend has gathered higher speed than in Western Europe and the USA. It seems imperceptible to a certain extent because it is a non-violent force. In addition, it is rapidly becoming enshrined in policies and institutions in the region and affecting religious expression in many spheres of life.

3.1.8. Latin American states are not always diligent enough in terms of investigating issues related to violations of freedom of religion and expression

3.2. Empirical evidence from Latin America

3.2.1. The Regulation of Religion by Organized Crime: Drug Cartels in Mexico

Organized crime and corruption as a persecution engine has been analyzed. Therefore it is sufficient to state here that organized crime is a very important – if not the most important – source of vulnerability for actively practicing Christians in Latin America. It takes advantage of underperforming states in which the rule of law is not guaranteed and corruption is widespread. The dynamics of this engine functions in combination with the multiplication of various criminal organizations such as gangs, drug cartels, revolutionary insurgencies or paramilitary groups. Organized crime has even infiltrated government institutions at subnational level by means of corruption, in different parts of Latin America. Mexico is a classic example of this critical state of affairs. The situation is endemic and must be addressed.

Strong drug cartels such as the Sinaloa Cartel or the Zetas have generated chaos and extreme violence in Mexico. The effects of these criminal groups are clearly noticeable. They have distorted the overall functioning of society by creating a deep culture of fear, impunity and corruption. Criminals have taken control of certain regions to the point that the *de facto* state, or *de facto* authority, in those communities or regions is organized crime or the drug cartels themselves. They have become the ‘state’ within the state and, as a result of this, they regulate religion by imposing restrictions on many aspects of religious life.

Actively practicing Christians engaged in society have become an easy target for extortion. Throughout Mexico, drug cartels have implemented an illegal ‘tax’ collection system in the areas under their control. Drug cartels think that the churches handle a lot of money because of the offerings they obtain, which is not true in most cases. Therefore attending church meetings puts worshipers at an increased risk of extortions. Priests, pastors and Christians business owners are frequently extorted. It is a very common practice for such criminal groups to charge churches or

⁶⁴ Law 351 for Granting of Juridical Personality to Churches and Religious Groups” was passed in March 2013 in Bolivia.

businesses for the right to remain open. Churches and businesses also need to obtain permits from criminal gangs to organize public meetings and to pay for those events and for protection. These types of income ‘taxes’ are commonly known as *derecho de piso* [floor right] or *venta de protección* [protection rackets].

Criminal organizations make all kinds of threats and kidnap family members if victims refuse to pay. As with extortions, kidnap-for-ransom is mainly an income generating activity carried out by criminal organizations. Victims cannot always report the threats, because there is no legal security, people are afraid to speak publicly about the crimes committed and because the police force itself is part of the chronic corruption.

The problem is compound by the fact that churches are quite unique in the sense that they are the only frequently used places for the gathering of people. Churches by nature are welcoming. However, the problem is that churches can also welcome members of drug cartels who could harm the congregation. Attending churches and public events increases the risk of being kidnapped. Youths are particularly at risk of being recruited into criminal organizations, whether by force or by persuasion.

Churches have got moral influence, especially over young people. Christian workers who actively reach out to cartel members in order to share their Christian faith put their lives in great danger. They are also highly vulnerable when they engage in public criticism of drugs cartels and work in areas that directly threaten the interests of drug cartels. For example, Christian workers are in great danger when they promote social initiatives aimed at keeping youths away from the gangs’ influence or supporting drug rehabilitation clinics. Meaningful alternatives and drug rehabilitation programs are targeted by criminal organizations because they directly threaten the drug trafficking markets. These types of community engagement affects the business of criminal organizations whilst paradoxically increasing the level of vulnerability for Christians. Christian leaders engaging in this kind of activity can expect to receive death threats. Cartel members who convert to Christianity and abandon their cartel risk being killed.

Clearly, the moral authority of Christian leaders is perceived as being a threat to organized crime. Most interpretations of Christianity seek to promote spiritual and social transformation, which can easily conflict with the interests of drug cartels. The prophetic and religious voice of the church as denouncer of injustice makes Christians specifically vulnerable. This specific vulnerability is rooted in the incompatibility of worldviews between actively practicing Christians and those who are engaged in organized crime, which, to a large extent explains the violence suffered by Christians in these situations.⁶⁵ This specific vulnerability must be clarified further. Vulnerability is the result of a Christians’ religious convictions and active practice. It does not refer to any level or intensity of threats received but rather to the cause of them. Indeed, it might be that human rights activists or journalists are more vulnerable or just as vulnerable. For example, to be a journalist in Mexico is a very dangerous job but, so too, is being a priest. It is not about competing and saying that Christians suffer more than others.

⁶⁵ Challenges to Religious Freedom in the Americas, p. 6.

3.2.2. The position of religious minorities in rural (indigenous and peasant) communities: Resguardos Indígenas of Colombia

As clarified before, converts to Christianity within indigenous communities are vulnerable in Colombia. These communities are the ‘Resguardos Indígenas’ or ‘indigenous reserves’. They are settled in territories with a far reaching degree of self-government or political autonomy. These self-governed communities makes them ‘states’ within states. They have their own legal system based on their own ancestral traditions. The legal system is juxtaposed to the prevailing democratic and national legal system in the rest of Colombia. In the case of contradictions arising between the systems, generally, the contradiction is resolved in favor of the protection of the indigenous community.

As a result of this imbalance between the two coexisting legal systems, the general protection of human rights, and specifically religious freedom, is difficult in indigenous self-government structures. Therefore, it is very difficult for indigenous people in those indigenous reserves to claim constitutional rights of religious freedom. Repeatedly, whenever an individual decides to convert to another religion within an indigenous community, the convert risks all kinds of threats, reprisals, and exclusion from access to basic social services, beatings and forced displacements.

In families, for example, conversion from indigenous traditional beliefs to Christianity is not tolerated as it is seen as a threat to the community’s ancestral traditions. For this reason, baptisms and other family-related expressions of Christianity need to be carried out in secret. Christians have been forcefully displaced in regions such as Cauca, Huila and Córdoba, and hundreds face the same threat. The cause of these human rights infringements lies in the fact that the rights of the preservation of the indigenous culture and to self-government are given more importance, in practice, than the protection of individual human rights inside those indigenous communities.

In essence, the indigenous communities’ self-determination rights in practice lead to undemocratic excesses in ‘resguardos indígenas’(native protected areas). In addition, another interconnected issue regarding human rights violations can be highlighted. The collective dimension of the human right to self-determination and individuals *per se* are also in disequilibrium within the same territorial jurisdiction and inside the indigenous reserves. The balance is in favor of collective rights. This is a typical case of regime juxtaposition, as Gibson (2005) has pointed out. Regime juxtaposition refers to “*two levels of government with jurisdiction over the same territory operat[ing] under different regimes, [and the regime is] understood as the set of norms, rules, and practices that govern the selection and behavior of...leaders*”⁶⁶ In context, regime juxtaposition is legal pluralism; the idea that the Western and democratic positive law, applicable in Colombia as a whole, coexists with the internal indigenous justice system that exists in those indigenous reserves. However, the juxtaposition can expose important differences and contradictions raising important questions for human rights and democratic politics.

Another way to explain the tensions is by using the binary categories of internal and external dimensions of self-determination. The external dimension receives more attention than the internal. Based on this notion the argument is that indigenous people have a right to self-

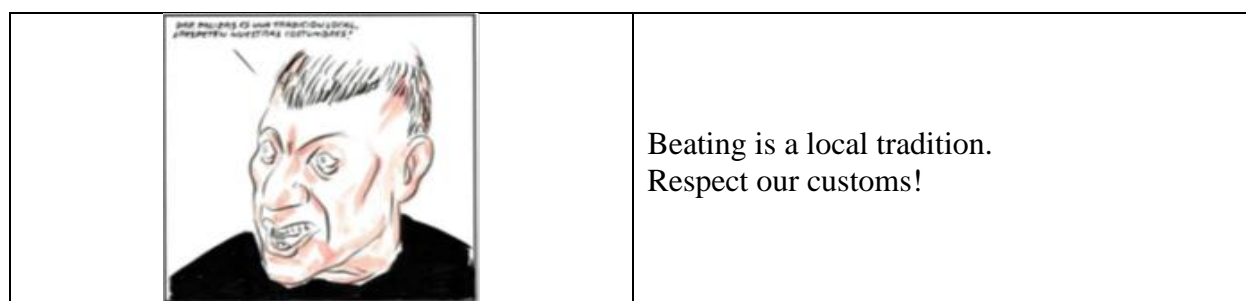
⁶⁶ Gibson, Edward L. (2005), Boundary Control: Subnational Authoritarianism in Democratic Countries, in: World Politics, 58, October, pp. 101-132.

determination, to self-government and to the protection of their cultural traditions and, those rights include having their own legal systems.

The internal dimension of self-determination refers to the scope of individual human rights within those self-determined indigenous communities. In other words, the fundamental issue here is about the rights of a minority within a minority. In this context, the essence of the legal challenge is the effective protection of human rights of a minority within a minority. The protection includes not only the rights of a religious minority within indigenous communities but also the rights of women, those surrounding gender issues and sexual minorities within those communities. They are not given the same degree of respect for their human rights as people outside of those communities.

Of course the social position of religious minorities in rural communities changes. However, the protection of the core human rights legally remains the same despite any social, political, economic or cultural shifts occurring in rural communities and society in general. Human rights cannot be renounced or changed. Thus, some communities have always been peasant communities. Others are the result of indigenous people who have abandoned their indigenous heritage and are no longer classified as indigenous. Other communities have never changed their indigenous heritage. We have these social configurations but the vulnerability and position of religious minorities in these communities is very similar, so the challenges for human rights norms remains.

Figure 28. Ethno-Religious Conflict (1)

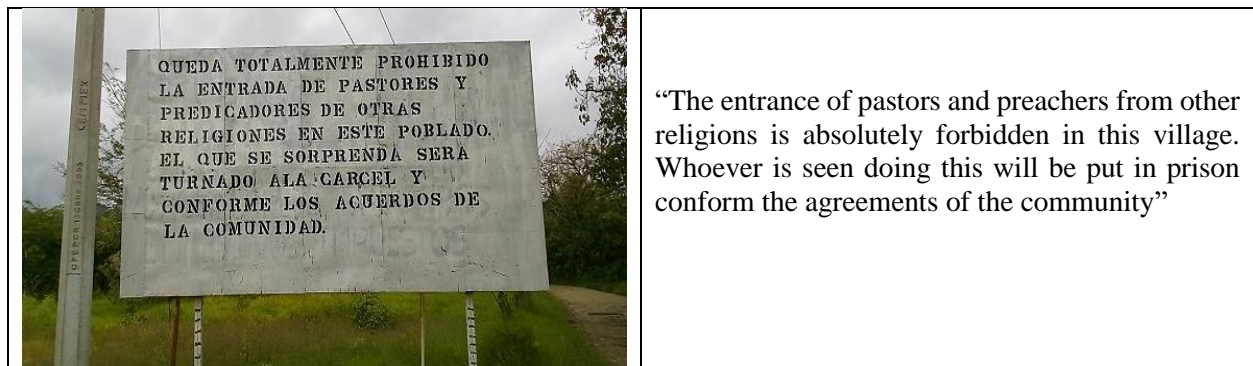


Source: own elaboration.

This cartoon illustrates ethno-religious conflict. The man looks aggressive and he is stating, “Beating is a local tradition. Respect our customs!” It shows how incongruous ethno-religious conflict is but this is what happens in practice. Actions perceived as human rights violations from outside communities are actually justified on the basis that they are the local tradition, culture and heritage. Then, the argument goes, there is a need to protect the indigenous culture by ignoring and violating human rights in those indigenous communities.

Here is an example of a similar situation that happened in Chiapas, in Mexico. Here a sign was put up with a message: “the entrance of pastors and preachers from other religions is absolutely forbidden in this village. Whoever is seen doing this will be put in prison. Conform to the agreements of the community.”

Figure 29. Ethno-Religious Conflict (2)



Source: Photograph taken in Bolantón Chiapas, May 2017.

The legal situation in Mexico is different from that in Colombia. Briefly, there is still quite a large degree of respect for what is called ‘usos y costumbres’ (uses and customs, literally). These ‘uses and customs’ can enter into contradiction with legislation at the federal level and at the level of positive law. For example, the community elders in Chiapas agreed with this statement conferring authority for this regulation to be put in place.

This regulation is essentially a prohibition of missionary activity in Chiapas, an action which can result in imprisonment. This directly contradicts and violates the Mexican Constitution, which in Article 24 protects religious freedom, including missionary activity. So, here we see a clash between the agreement of the community elders and the federal law. This is how a situation such as this can exist.

In litigation it is quite easy to argue that this kind of regulation contradicts Article 24 as well as international human rights treaties. Litigation did in fact declared this sign unconstitutional. It illustrates quite well the contradiction between these two juxtaposed legal systems and how one legal system, implicitly, allows the violation of the essential tenets of religious freedom. It is tolerated in any case because of the legal confusion that exists here.

3.2.3. State-sponsored Persecution in Communist and Post-Communist Countries

Let's now examine state-sponsored persecution in Communist and Post-Communist countries. Basically here the problem is that the church is a competing source of legitimacy with the state. In Cuba, pressure on Christians continues in the form of harassment, strict surveillance and discrimination, including the occasional imprisonment of leaders. Religious practice is monitored and all church services are infiltrated by spies.

The Cuban government understands that it cannot eradicate religion. The church has grown despite the persecution of the government who tries to restrict it as much as possible. The government tolerates the church but constantly intimidates, slows down, discourages and creates fear and legal insecurity amongst practicing Christians. Of course, not all Christians are harassed or

discriminated against but those who are actively practicing and actively engaging in missionary activity or social or political activism, or are just simply growing are particularly harassed. All active Christian practice is seen as a threat to the legitimacy of the state. It is not illegal for a church to grow but church growth is perceived as a threat to Communist party growth. This, of course, is not appreciated because it gives the church a lot of influence. Churches are allowed to exist and preach but within the restrictions of specific written and unwritten rules. Some topics might not be allowed to be discussed; mainly politics and human rights topics are never allowed to be discussed in church. These topics or anything considered as subversive is suppressed. What also happens very often is that when a church leader is viewed as a threat, he is not generally attacked on his ministerial work but on some other fabricated charge that would get him into trouble; for example, for buying goods on the black market, or for not complying with one particular administrative regulation, or whatever. So it is rarely a case of open violation of religious freedom but indirectly there is always a relation to curbing religious freedom.

In Venezuela, however, the pressure on Christians is subtle. There is a lot more to say and to research about this, but, basically the bottom line is, that any organization which is influential is restricted by the government. This could be a Christian university, a private school, any kind of social work that addresses the real needs of people in poor communities etc. All the things that make the church legitimate among the people and that compete with the state, are not appreciated and therefore they are restricted. For years, the Venezuelan administration has attempted to shut down private Catholic education in favor of public schools. Again, because those schools are of better quality than the public schools and, therefore, highlight the incompetence of the Venezuelan state, they are not valued.

3.2.4. Secular Intolerance

Secular intolerance is the other big dimension of persecution in Latin America. However, as I have dealt with this area previously in the treatment of the separation between religion and state, here I want only to emphasize how important it is to recognize this persecution engine in Latin America.

As I said before, secular intolerance is so subtle that it is very difficult to discern where the threats are coming from. In addition, secular intolerance is anti-religion and thus goes one step further than just secularism which is simply the view or preference that religion should not have any role in the public sphere. Secular intolerance seeks to implement policies that directly infringe the sphere of autonomy and specific spheres of society that the state should never interfere in, for example, the family, the church, the school, and private businesses. It seeks to regulate anything that is considered discriminatory or viewed as offensive. It is an engine that is growing and deserves attention.

Of course, the drivers of this engine are generally international NGOs, multilateral organizations, etc. These organizations are generally viewed as benign, positive and making a contribution to development. However, they promote an agenda which is often contrary, not only to Christian principles but also to religious expression in various spheres of life. Secular intolerance is very focused on gender ideology. It seeks to impose its agenda through the back door employing strategies such as judicial activism, etc. and in various undemocratic ways.

Chapter IV

Practical Tools to Strengthen the Resilience of Vulnerable Religious Communities

Now, to end this lecture let's go into some practical tool that can be used to strengthen the resilience of vulnerable religious communities. The one thing is understanding what is happening, the other thing is doing something about it which is, of course, and should be of great concern depending on what actor you represent; whether you represent a church, a government institution or the judicial power, an NGO. There are strategies that can be implemented to help vulnerable religious communities to be a bit more resilient, a bit more responsive, in order to give them the opportunity to cope with the pressure that they face.

4.1 From Traditional Security to Human Security

The human security perspective that I referred earlier has particular relevance, not only to understand religious freedom violations in Mexico. As I said, the religious freedom violations in Mexico have little to do with the legal framework and is more related to human security challenges. Human security is not only a way to observe religious freedom violation, it is also a way to do something about it.

In social sciences there has been a gradual shift that was introduced in 1994 by the United Nations Development Programme Annual Report. In 1994, the concept of human security was introduced because the international community came to the understanding that the traditional concept of security was no longer relevant. In traditional security the referent object is the state and the responsibility to protect is the integrity of the state, for example, during the Cold War interstate war, tensions between nations, nuclear proliferation, revolutions, etc.

But always the state is the referent and security is looked at as security between states but what people forgot and started to notice is that a lot is going on inside states. It connects very well with what I was actually saying before that the minority within the minority in indigenous communities. It is not only about protecting the borders of the indigenous communities but it is also about protecting individuals within those indigenous communities. So, the human security paradigm, as it became known, shifted the attention from the state to the individual, looking at the security of the individual; not only human rights but security in general. The responsibility to protect now is the protection of the integrity of the individual and not the integrity of the state; it is not about just protecting the borders of the state and its sovereignty; it is about individuals within the state, communities within the state in the context of civil war or whatever.

Looking at threats not only from a military perspective. There are many more types of threats; of course, of human rights abuses but anything like diseases, poverty, natural disasters, violence, and landmines is a big theme, which started to come out in the 1990s. This focus on human security continues to be extremely relevant. It is particularly relevant for any person interested in religious freedom because if the reference is the state of course you don't look at individuals suffering religious freedom violations in the same way.

Figure 30. Traditional security vs. Human security.

Type of Security	Referent Object	Responsability to protect	Possible Threats
Traditional Security	The State	The Integrity of the State	Interstate War, Nuclear Proliferation, Revolution
Human Security	The individual	The Integrity of the Individual	Disease, Poverty, Natural Disaster, Violence, Landmines, Human Right Abuses

Source: Owen (2000), *Measuring Human Security: A New View of Cambodian Vulnerability*

4.2 Using the Human Security Framework to Assess Religious Conflict

The human security framework can be used to assess religious conflict. The basic principle that is used for this assessment is the categorization of human security threats for which religious minorities are vulnerable. We need to look at the consequences of religious behavior and not only religious identity. I have spoken at length about this already.

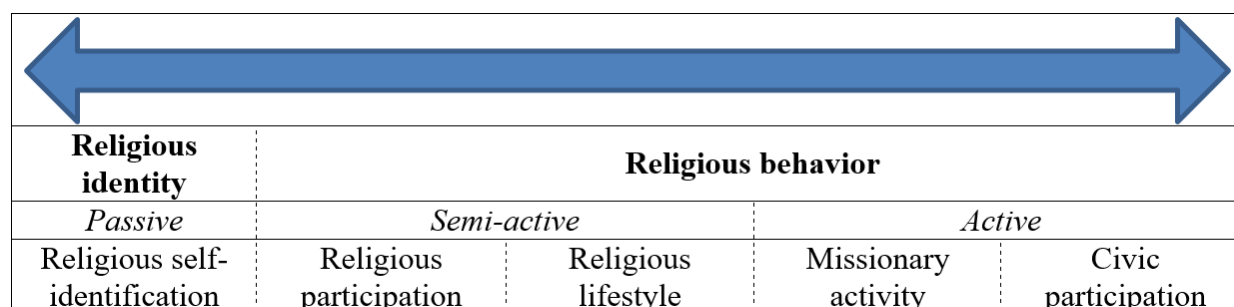
It is important to adopt a holistic perspective, which means, looking at security from the most comprehensive and integral perspective possible. This connects very well with the multidimensionality of religious freedom.

A focus on the local or subnational level is also needed to see what happens there, instead of just looking at macro aggregates, national level indicators that conceal many things that are happening at the local level.

In relation to the behavioral approach to religion, I would like to define religion as “a belief system which influences the individual and the collective behavior of its followers.” So, it is not just a belief system but a belief system which influences behavior. From the human security perspective this behavior can create more or less vulnerability.

To illustrate this point, I have devised a continuum of religious identity and behavior that passes from passive to semi-active to active forms of religious behavior. The passive religious behavior would be religious self-identification. The semi-active would be religious participation, especially church attendance; conducting a religious lifestyle which relates to a dress code and the wearing of specific symbols, etc. An active form of religious behavior can involve missionary activity or civic participation (civil society organizations, schools, educational initiatives, even political participation, and denunciation of injustice.)

Figure 31. Continuum of religious identity and behavior.



Source: own elaboration

Figure 32. The continuum of religious identity and behavior applied to Christians in Latin America (% of total population)

Variable	Religious self-identification	Religious participation	Religious lifestyle	Missionary activity	Civic participation
Indicator	Estimated number of Christians	Church attendance at least once a week	High religious commitment index	Sharing about one's faith at least once a week	Organizing a protest or demonstration for the rights of poor people at least once a week
Source	World Christian Database, 2017	Pew Research Center, 2014 – Q45	Pew Research Center, 2014 – p. 45	Pew Research Center, 2014 – Q66c	Pew Research Center, 2014 – Q47b
Argentina	90.1%	20%	13%	7%	7%
Bolivia	92.8%	41%	26%	13%	13%
Brazil	90.8%	45%	31%	22%	12%
Chile	88.2%	19%	13%	7%	7%
Colombia	95.1%	50%	39%	15%	13%
Costa Rica	95.4%	51%	41%	21%	10%
Cuba	61.6%	-	-	-	-
Dominican Rep.	94.9%	48%	41%	23%	19%
Ecuador	95.4%	37%	26%	9%	9%
El Salvador	96.1%	61%	51%	30%	10%
Guatemala	97.3%	75%	62%	41%	13%
Haiti	94.2%	-	-	-	-
Honduras	95.6%	64%	53%	27%	14%
Mexico	95.9%	45%	18%	10%	13%
Nicaragua	95.0%	55%	44%	28%	10%
Panama	90.3%	48%	28%	22%	25%
Paraguay	95.3%	32%	21%	14%	6%
Peru	96.4%	35%	25%	13%	12%
Uruguay	63.1%	14%	10%	7%	6%
Venezuela	92.4%	25%	17%	14%	11%

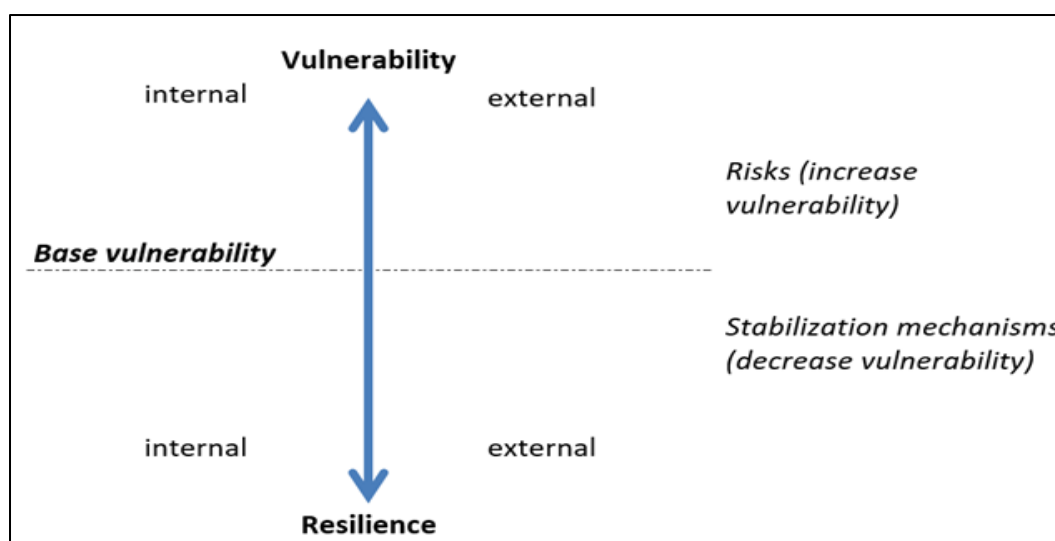
Source: own elaboration.

These categories are different ways to describe different types of religious behavior. It is possible, with enough data, to observe each one of these categories. This categorization is not concerned with making value judgements about the categories, i.e. that the passive is less important than the active. Rather, the concern is with which category is more likely to create more vulnerability. There may be circumstances where the passive is a source of vulnerability. When you look at the persecution of Christians, religious self-identification or religious identity is a huge source of vulnerability in, for example, the Middle East and other parts of the world. In Latin America, in some cases it can be a source of vulnerability but very often it is not. It is not even minorities but majorities who self-identify as Christians. However, Christians who more actively engage in missionary activity or civil participation can become, under particular circumstances, more vulnerable. However, it all depends on the case. This is just an analytical tool to broaden the perspective of how religious minorities can be defined in their vulnerability, observed in relation to their behavior.

If one looks at the framework to assess the dynamics of religious conflict, you can see that there is some degree of base vulnerability that each person has and that there are risks that can increase this vulnerability. One can also see that there are some stabilization mechanisms that can decrease it. Whenever vulnerability decreases that means that there is resilience. It does not mean that vulnerability is eliminated but it means that there are coping mechanisms to deal with that vulnerability, to mitigate it, to decrease it.

Vulnerability can be related to internal organization and external factors. In the organization of particular communities, for example, external factors are matters that happen outside and they can be influenced. If one is looking at how to become more resilient one needs to look at how one can better organize one's own structure both internally and externally and how one can, determine how to put pressure on particular groups or people or persecutors, to reduce the persecution. This is the whole point of advocacy.

Figure 33. Vulnerability-resilience relationship in political advocacy.



Source: own elaboration

The aim of this section is to identify the ways we can increase the resilience of vulnerable religious minorities and what coping mechanisms can be used.

Figure 34. Coping Mechanisms

Hirschman (1970)	Glasius (2012)	Definition
Exit	Avoidance	Avoidance
	Internal exit	Spiritual (within themselves)
Loyalty	Compliance	Compliance
Voice	Collective action	Cultural (moral standing with others)
		Solidarity or collective action
		‘Practical’ or ‘professional’, i.e. Trained in non-violent self-defence mechanisms
	Taking up arms	Self-defence militias

Source: Own elaboration based on Hirschman (1970), Exit, Voice, and Loyalty and Glasius (2012), “Citizen Participation in Conflict and Post-Conflict Situations.”

4.3 Dimensions of Resilience

There are different dimensions of resilience that can be used. This is really an agenda of projects that can be worked on. There are training elements, and here, a knowledge and understanding of basic citizenship is very important. Knowing and understanding the concept of religious freedom, the ways that this right can be enforced and where to go to receive help with the enforcement of this right, are all key issues when one is considering sources of resilience. Knowledge is empowering.

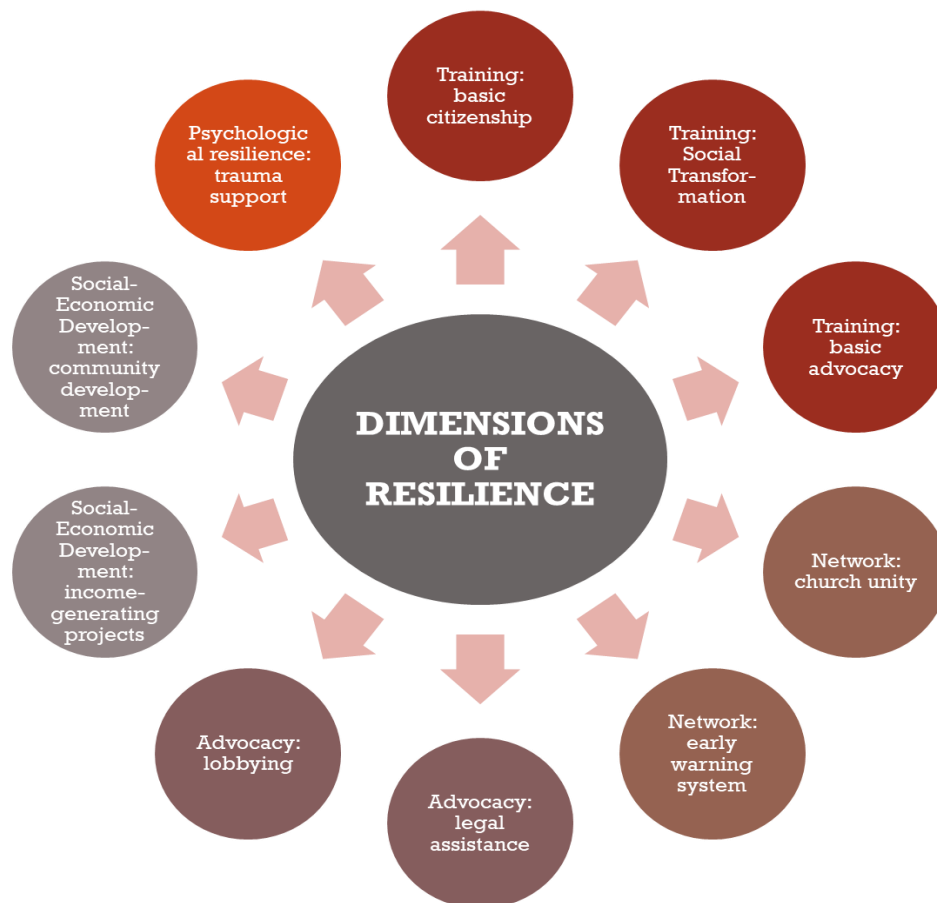
Social transformation, a key concept at the heart of the Christian faith, is also an important consideration, when examining the dimensions of resilience. Christians should be engaged in transforming and improving society. This notion should help Christians to become more active and less passive, when responding to persecution. An often neglected area of building resilience is the aspect of ‘power in numbers’ which translates to the concept of church unity. When churches act together it is much more difficult for any persecutor to put pressure on them because they work together, presenting a united front. When this type of church network functions well, if any one member in the network needs help, an early warning system operates whereby others in the network go to aid the member in need. This is also an important source of resilience.

Advocacy must also be considered when examining the dimensions of resilience. There are two aspects: **legal assistance** (litigation) to solve particular cases and lobbying to address the root causes of persecution and **social and economic development** which creates more resilience.

Income-generating projects makes it possible for vulnerable communities to be more self-reliant and independent of the good-will of donors or the state or any other persecutor. Social and economic development is a Christian duty, contributing to the transformation of culture as well as contributing to the creation of good-will within the community. If people see that Christians are doing well for the community, they will probably defend them or speak up for them. However, one must also be aware that such a positive contribution may also create resentment and jealousy, but, in theory, it may also cause the Christian community to be more resilient. There is also training in terms of basic advocacy which will help victims of persecution to put pressure on the persecutor, by different means, to decrease their vulnerability.

Finally, one needs to be aware that having psychological strength in the face of threat and persecution is a factor in developing resilience. Training in psychological resilience and offering trauma support could strengthen the resilience of vulnerable religious communities which are under pressure. If one is psychologically capable of dealing with any threat one is much stronger.

Figure 35. Dimensions of resilience.



Source: own elaboration.