

Script: The contents of Freedom of Religion or Belief – protection from discrimination

A right that is very closely related to freedom of religion or belief is the right to protection from discrimination. Discrimination is when some people are not treated as well as others because of who they are.

One of the main rules within international human rights law is that states are not allowed to discriminate on any grounds, including those of religion or belief. Article 2 in the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights describe this right.

ICCPR, Article 2, paragraph 1

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

So discrimination on the basis of religion or belief is barred. The ban on discrimination mirrors the ban on coercion. The state is not only required to refrain from discriminating in its own actions, it is also required to act in an efficient way to prevent and stop discrimination in society.

None the less, discrimination is probably the most commonly experienced violation of freedom of religion or belief and affects every religious and belief group.

In Sweden, researchers have found that Jews have a 26% lower chance of being offered a job, and Muslims have a 30% lower chance. The question of if and when it's discriminatory for employers to ban staff from wearing religious symbols such as a cross or hijab in the workplace is also important, and has been brought to European courts and the UN Human Rights Committee numerous times.

Discrimination can take lots of forms. Sometimes it takes the form of state favouritism of one religion over others, for example discrimination in the allocation of state funding to different groups. Sometimes discrimination is more severe, resulting in a denial of rights, for example when some groups are denied the right to legal identity or to build places of worship. State discrimination on the basis of religion or belief doesn't only affect religious activities. It can affect every area of life including marriage, child custody or access to employment, housing, welfare services or justice.

In many countries a person's religion is stated on their ID card. This makes minorities vulnerable to discrimination every time they have to show their ID card.



Hindus in some parts of Indonesia have to travel a long way to register marriages or births because local officials refuse to register them. And Christians have problems getting permission to build or repair churches. National courts have repeatedly ruled in favour of Christians, but local officials ignore the rulings, sometimes because they are afraid of violent extremist groups.

In Pakistan, discriminatory legislation makes it a criminal act for Ahmadis to preach, propagate, or disseminate materials on their faith and they have lost the right to vote.

Human rights organisations in Kenya say that the fight against terrorism in the country has resulted in the widespread targeting and collective punishment of Muslims by security officers, with reports of arbitrary arrests, torture, killings and disappearances, a charge the government denies.

In twenty two villages across Myanmar, local Buddhist monks have declared their villages to be Muslim free zones, putting up signposts that bar Muslims from entering or spending the night in the village, bar residents from marrying Muslims and spread hate propaganda. The authorities have done nothing to stop this.

Often people are discriminated against for more than one reason, for example on the basis of both religion, and ethnicity, gender or class. In human rights language, this is called intersectional discrimination. This makes some groups even more vulnerable to violations of freedom of religion or belief, for example women, indigenous peoples, ethnic minorities, the LGBT community, migrants and refugees.

Let's look at an example of intersectional discrimination from India.

The Hindu caste system is a type of fixed class system, that divides people into higher and lower castes and casteless groups such as Dalits. Dalits are often the poorest of the poor, facing massive social and economic discrimination. Although it has its roots in Hinduism, the caste system permeates the whole of Indian society, and people of all faiths are regarded as belonging to particular castes. For example, many Indian Christians and Muslims are of Dalit origins.

When India gained independence the government banned the caste system and tried to counter caste discrimination by introducing a system of affirmative action. This system reserves a certain quota of government jobs and places at state owned higher education institutions for Dalits and provides certain welfare benefits. So far so good one might think. However, these benefits are only granted to Hindu Dalits and to Sikhs and Buddhists of Dalit origin. Christian and Muslims of Dalit origin are denied these benefits.

Christian and Muslim Dalits face discrimination in the community both due to their caste and their minority religion. They are also discriminated against by the state on the basis of their religion, being excluded from affirmative action to counter caste discrimination. This impacts upon economic and social development for Christian and Muslim Dalits.



To sum up: States are not allowed to discriminate against people on the basis of religion or belief. They also have a duty to protect people by acting in an efficient way to prevent and stop discrimination in society.

Discrimination can take many forms and affect every area of life. Often, people face discrimination for multiple, inter-sectional reasons, including their religion or belief.

You can find more information about protection from discrimination, including texts of human rights documents that refer to it, in the training materials on the website.

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