

IPCA Europe Conference on Religious Freedom
Strasbourg 31 March – 2 April 2014

”Prisoners Rights: Theological Imperative or Optional Extra?”

Freedom of Religion or Believe for All

Presentation by Christer Daelander

Coordinator of Human Rights, Uniting Church in Sweden
The European Baptist Federation Religious Freedom Representative

Freedom of Religion or Belief for All



Article 18: The Universal Declaration of Human rights

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




The International Covenant on Civil and Political Rights


Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. 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.

Freedom of Religion or Belief (FoRB) for All – What, Why and How?

A group of people are seated around a long wooden conference table in a well-lit room with large windows. They appear to be in a meeting or training session, with some looking at papers and others engaged in conversation. A laptop is open on the table in the foreground.

Committee of Freedom and Justice in the Baptist World Alliance

A large group of people are seated in rows of green chairs in a large hall or auditorium. They are all facing forward, suggesting they are attending a presentation or training session. The room has a carpeted floor and some people are holding papers or books.

Planned training in Elstal/Germany November 2014

75% of the population in the world lack Religious Freedom

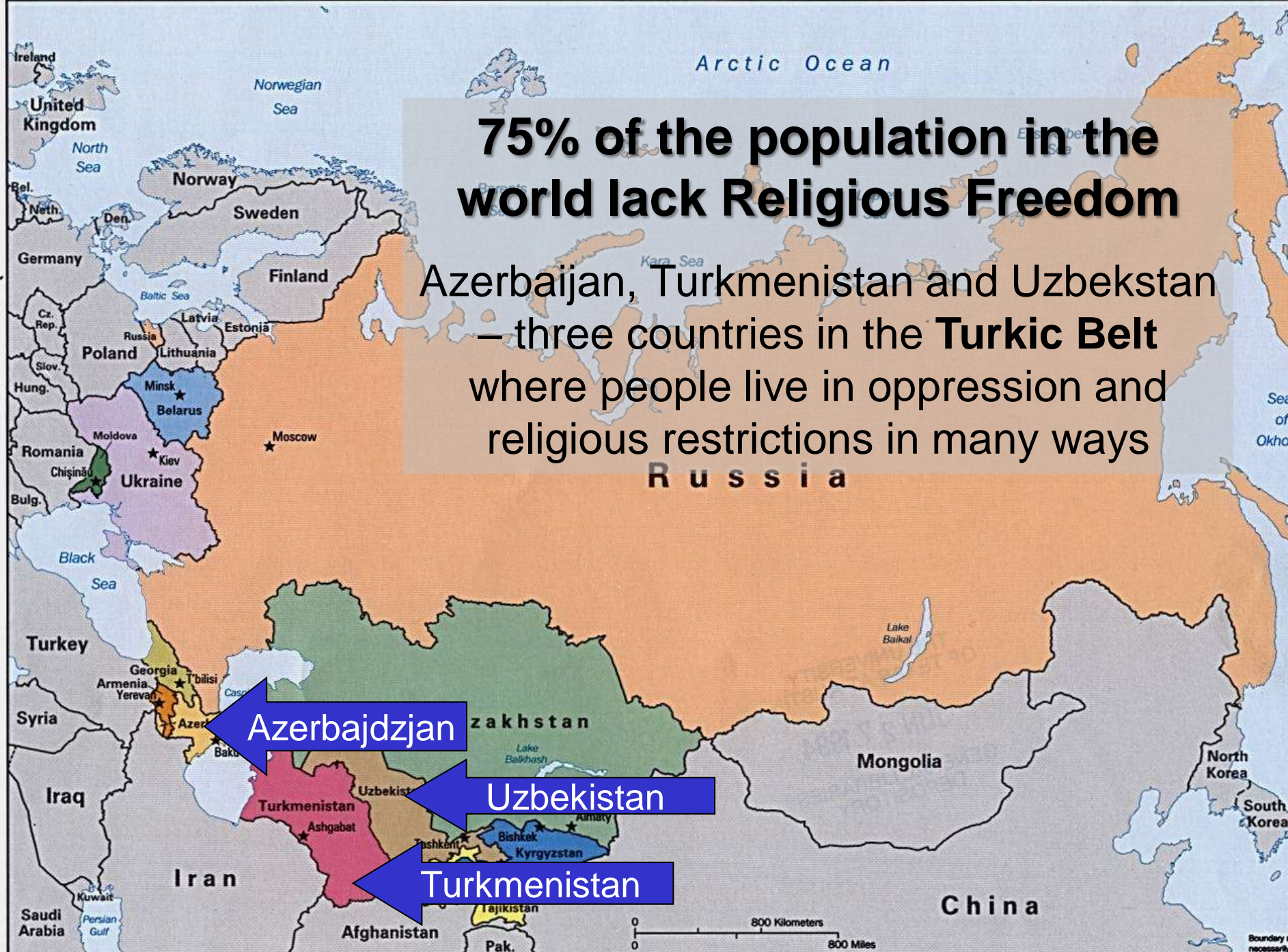
Azerbaijan, Turkmenistan and Uzbekistan
— three countries in the **Turkic Belt**
where people live in oppression and
religious restrictions in many ways

R u s s i a

Azerbaijan

Uzbekistan

Turkmenistan



Buzz-group discussion

- From what countries have you seen or heard about violations of religious freedom for prisoners
- What kind of problems?

Turkmenistan: Police raid on a Children camp outside the town on Mary in July 2013



Religious restrictions in Azerbaijan

Religious groups in general and minority groups especially are very restricted in what they can do according to the 2010 amended religion law



The Baptist Church in Baku



Many believers don't
dear to confess openly
their minority faith
because of fear of
reprisal.



Religious Freedom at stake



This man worked in a Christian bookstore in Azerbaijan. One night he was beaten up – the police told him it was his own fault since he had become a Christian.

Religious Freedom problems

According to the Constitution there is Religious Freedom, but the Religion Law is restrictive and breaks the international conventions and declarations signed by the Government.

Already before 2009 the Protestant Churches had problems getting registration and many where harassed.

2010 an amended Religion Law came with more restrictions.

A delegation from the Uniting Church in Sweden, the EBF and the BWA visit Azerbaijan in September 2013



Problems and discrimination



Zaur Balayev Hamid Shabanov

These two pastors from Aliabad have been arrested and in jail for alleged crimes - in reality because of their activity in the Church.

- Believers are fired when employers learn about their faith.
- The Police survey religious meetings and bring participants in unregistered meetings to crossexamination.
- Leaders sometimes are arrested or fined on fabricated charges.
- The Baptist Church in Baku tries to get registration – so far without success. In Aliabad the Baptist Church has tried for more than 15 years to get registration.



**The Churches in Aliabad in the back yards
of pastor Zaur and pastor Hamid**



Contacts with officials and diplomats

Meeting with the State Committee for Work with Religious Associations



In September 2013 a delegation from Sweden and Christer Daelander from the EBF, and Raimundo Barreto from the BWA visited Azerbaijan

Meeting at the US Embassy in Baku



Work for Religious Freedom includes contacts with local believers, with national authorities and the International Society

Buzz-group discussion

- What is your experience of contacts with authorities in general in relation to Human Rights of prisoners?
- What is your experience of contacts with the prison authorities in relation to Religious Freedom for prisoners?



Meeting the Metropolitan in Uzbekistan

Cooperation with other religious groups are important





In Cooperation with the
World Council of Churches



Consultation on Religious
Freedom in Istanbul



Hearing about the misuse of
the Blasphemy law in Pakistan



HR Coordinator
Christina Papazougou

Pakistan

Pakistan has a Blasphemy law causing both Christians and Muslims to be falsely accused, put in prison and sometimes killed.



Both Christians, Muslims and Hindus took part in this conference in September 2012

Asia Bibi, 39
PAKISTAN

Reporting about the situation in Azerbaijan in a meeting with the Organization for Security and Cooperation in Europe



The OSCE had it's Human Dimension meeting i Warsaw 23 September – 4 October 2013. Two representatives from the Uniting Church in Sweden brought a report on Azerbaijan from the EBF and the BWA to this meeting

UN in Geneva

About 600 NGO has observatory status with the UN. The Baptist World Alliance has representation at the Un Human Rights Council in Geneva and also in New York

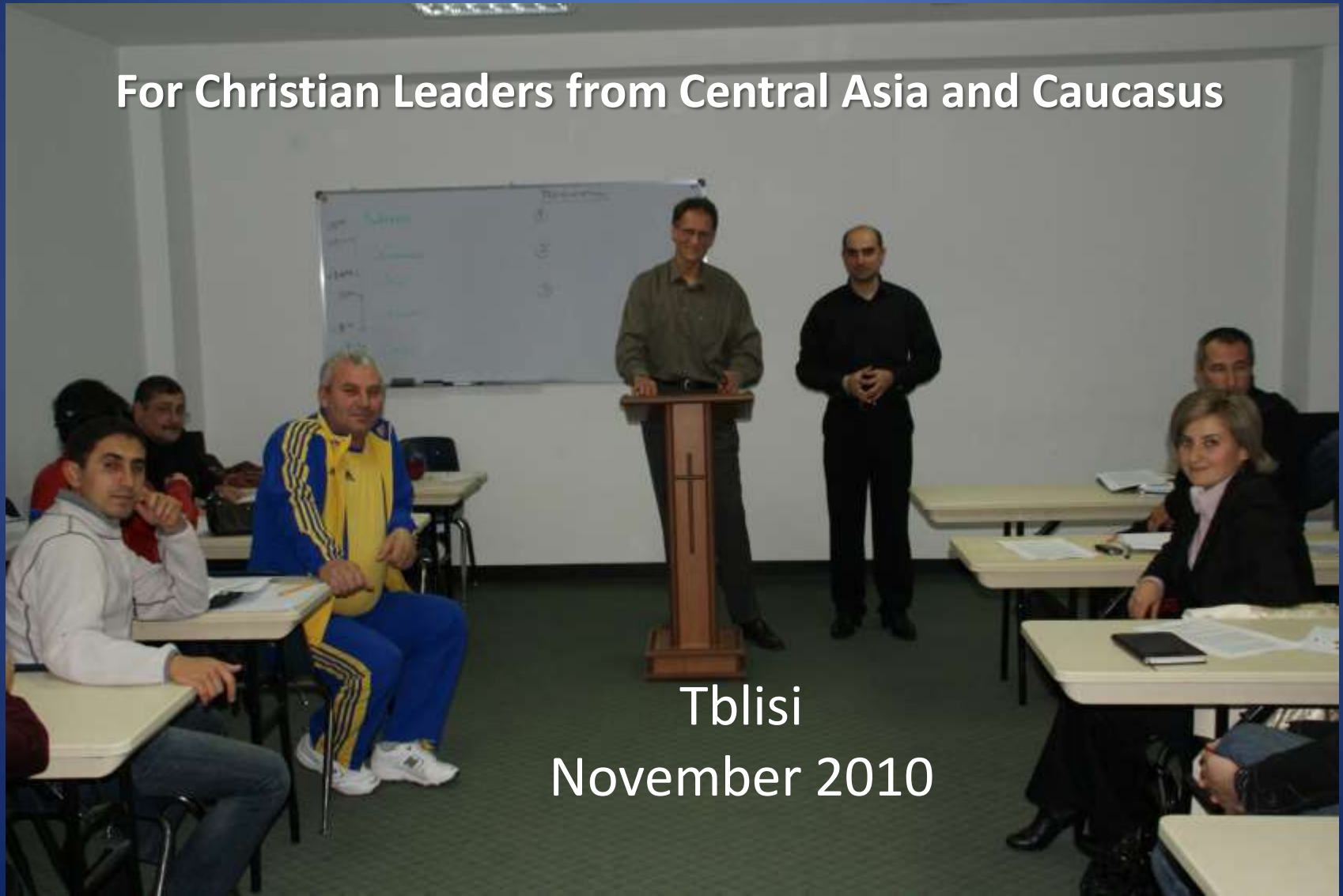
Training of Turkmen Christians in a Conference in Turkey



The perscution in Turkmenistan prohibits religious groups to meet for conferences or meetings in their own country

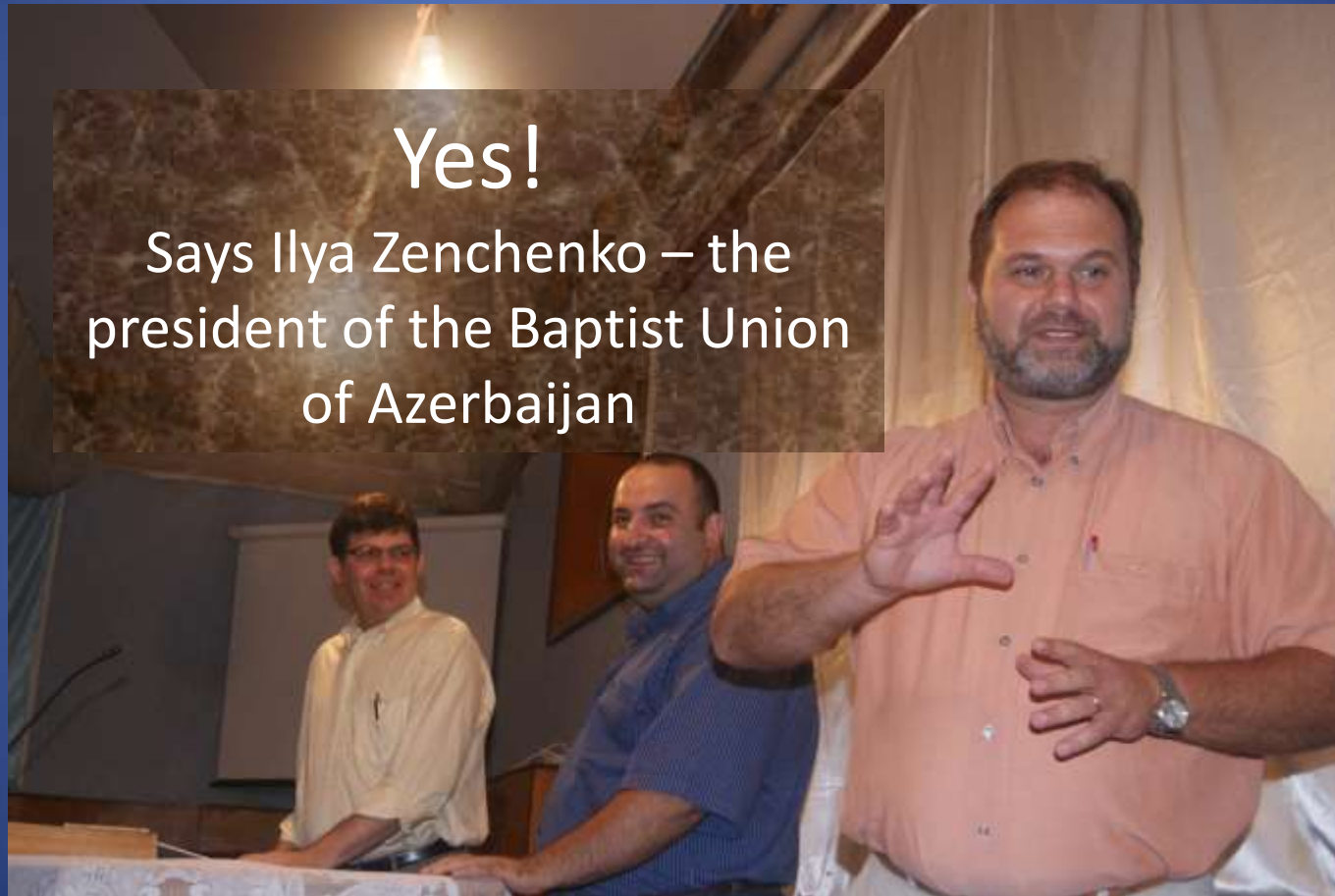
Training seminar in Religion and Law

For Christian Leaders from Central Asia and Caucasus



Tblisi
November 2010

A training seminar inside Azerbaijan – is this possible?



Yes!

Says Ilya Zenchenko – the
president of the Baptist Union
of Azerbaijan

Religion is in the very center
of the Human heart and
must also be allowed in the
public sphere



Religious Freedom and its' limitations

Freedom of religion or belief protects people who have and who practice various forms of belief. The European Court of Human Rights defines the term belief as “views that attain a certain level of cogency, seriousness, cohesion and importance”¹ or “a coherent view on fundamental problems”². Traditional, nontraditional and new religious beliefs are protected as are non-religious beliefs such as atheism, agnosticism, humanism and pacifism. The right not to have an opinion on questions of religion or belief, as well as to criticize any or all religious or non-religious beliefs is also protected.

Religious Freedom and its' limitations

Examples of beliefs that have been denied protection by the European Court of Human Rights are a strong personal motivation to have ones' ashes scattered at home and a belief in assisted suicide.

(The texts on this and the following three pages come from the Swedish Mission Council)

Religious Freedom and its' limitations

The State has the responsibility to protect the following seven aspects of Religious Freedom:

1. The freedom to have, choose, change or leave a religion or belief
2. Freedom to manifest a religion
3. Freedom from coercion.
4. Freedom from discrimination
5. Parents rights, childrens rights
6. The right to conscientious objection
7. Employers and employees

Religious Freedom and its' limitations

What Freedom of Religion or Belief do not involve:

1. Special privileges for religious people
2. Religions or beliefs do not have the rights not to be criticized
3. You can not say whatever you want in the name of religion or belief
4. It does not include that public places must be free from manifestation or expression of religion or belief
5. The religion does not have the right to control their followers, whatever they think
6. No right to control other persons religious observance or for parents to enforce religious belief upon children who can decide for themselves
7. You cannot violate other Human Rights in the name of Freedom of Religion or Belief

Religious Freedom and its' limitations

The European Convention Article 9:

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Theological and Biblical perspectives

Old Testament

- The Old Testament in the Bible does not speak about Religious Freedom for all but underline that there should not be any hindrance for people to seek a true worship with God.
- A couple of texts are useful:
 - Exodus 31:16-17 Gods commands the people to observe the Sabbath and no earthly King or ruler could or should hinder this.
 - Micah 3:1-12 Gods condemns the rulers and the prophets leading the people astray and forcing them into evil worship

Theological and Biblical perspectives

New Testament

Freedom: Jesus calls people to freely follow him as his disciples (Mark 1:16-20; Mathew 9:9). Paul introduces chapter 5 in Galatians with *“It is for freedom that Christ has set us free. Stand firm, then, and do not let yourselves be burdened again by a yoke of slavery”* (Eph 5:1). Without freedom there is no real faith and no real relation with God and no real religion whatsoever.

Theological and Biblical perspectives

New Testament

- **The golden rule** in Mathew 7:12: *“So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets”*. If we want people and rulers to give religious freedom to us we must in our turn work for freedom for others, in order to be credible.
- 1 Thess 5:15 *“... be kind to each other and everyone else”*
- 1 Peter 2:12 *“Live good lives among the pagans ... good deeds ... they glorify God on the day he visits us”*.

Theological and Biblical perspectives

New Testament

- **Promoting peace:** Mathew 5:9 “*Blessed are the peacemakers, for they will be called sons of God*”. Religious clashes have been a major cause for conflict and war. In order to foster peace we need to promote religious understanding and religious freedom for all – If we stand up for the freedom of others this will ease tensions.
- Ex. The Muslim initiative 2007 “A Common word between you and us” and the Christian responses – and dialogues.
- Ex. Christian leaders in Nigeria now ask for a dialogue with Boko Haram in order to stop the violence.
- Ex. The International Religious Freedom Roundtable is an interfaith network. They are more effective since they work together.

Buzz-group discussion

- What other biblical or theological perspectives do you see?
- Is Religious freedom for Prisoners a Theological imperative or an Optional extra?

Prison Chaplaincy and Religious Freedom Rights

Freedom of Religion or Belief is also applicable to persons detained in prisons or custody with some specific limitations outlined by the European Convention



Prison Chaplain Rev. Doris
Bernhardsson outside the High
Security Prison Sahlberga
/Sweden

United Nations Standard Minimum of the Treatment of Prisoners (SMR)

Rule 6

- (1) The following rules shall be applied impartially. There shall be no discrimination on ground of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- (2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which the prisoner belongs.

United Nations Standard Minimum of the Treatment of Prisoners (SMR)

Rule 41

- (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.
- (2) A qualified representative appointed or approved under the paragraph shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.
- (3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

United Nations Standard Minimum of the Treatment of Prisoners (SMR)

Rule 42

So far as practicable, every prisoner shall be allowed to satisfy needs of his religious life by attending services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

Buzz-group discussion

- Mention positive experiences from your work in relation to religious freedom?
- Mention negative experience from your work in relation to religious freedom?
- What happens if a prisoner wants to take part in the services of a religion to whom he/she does not belong?
- What happens if a prisoner wants to change his religion or belief?