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## Towards Enriching Understandings and Assessments of Freedom of Religion or Belief: Politics, Debates, Methodologies, and Practices

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Katherine Marshall

## Summary

Promoting the right to freedom of religion or belief (FoRB) is a foreign policy priority for several countries, their concerns accentuated by considerable evidence of rising levels of violations of this right worldwide. This puts a premium on solid evidence and on clear assessment criteria to serve as objective guides for policy. This paper reviews the complex landscape of approaches to assessing and measuring both the status of FoRB and the degree to which this human right is being violated or protected. It introduces and describes various transnational methodologies, both qualitative and quantitative, which focus, in differing ways, on violations. Several are widely cited and have express policy applications, while others have more indirect application to FoRB. The analysis highlights the diversity of approaches, which both reflect and contribute to a tendency to politicise FoRB issues. Challenges include differing understandings of the nature and relative significance of violations and their comparability. Country analysis is crucial because the specific context has vital importance for a granular appreciation for causes and impact of FoRB violations. This granularity, however, is poorly reflected in broader quantitative transnational and time series indices that highlight trends and comparative impact. The review highlights the limited degree to which FoRB issues, specifically violations and religiously related discrimination, are integrated in the policies and practice of development approaches (including social change and progress towards wellbeing) internationally and nationally. Effective approaches to addressing violations are few and far between, especially at the international level. The review notes strengths and weaknesses of specific approaches to assessment and reflects on possible improvements focused on development challenges and better integration among aspects of human rights.

**Keywords:** FoRB, religious inequalities, violations of religious freedom, persecution, genocide, discrimination, pandemic.

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## Abbreviations

CPC	Country of Particular Concern
CVE	countering violent extremism
FoRB	freedom of religion or belief
GRI	Government Restrictions Index
HDI	Human Development Index
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IRFA	International Religious Freedom Act
NGO	non-governmental organisation
ODIHR	Office for Democratic Institutions and Human Rights
OIC	Organisation of Islamic Cooperation
OSCE	Organization for Security and Co-operation in Europe
PVE	preventing violent extremism
SDGs	Sustainable Development Goals
SHI	Social Hostilities Index
SPI	Social Progress Imperative
UDHR	Universal Declaration on Human Rights
USCIRF	US Commission on International Religious Freedom
USIP	United States Institute of Peace
WFDD	World Faiths Development Dialogue

# Introduction: why the review?

The human right to freedom of religion or belief (FoRB) is an integral part of the Universal Declaration on Human Rights (1948), as well as the legally binding International Covenant on Civil and Political Rights (ICCPR) and several other human rights conventions. Many national constitutions guarantee – to varying degrees – the freedom to believe and to worship, and to live free of discrimination (including on the grounds of religion or belief). FoRB as a distinct right has something of a life of its own, and some significant controversies are associated with it.<sup>1</sup> While there is little contestation as to the validity and importance of the right itself, there is less consensus about what it implies, as well as when and how it is or is not respected, and thus how to judge and measure its application in practice. Areas of dispute include classification of violations: number and severity, their causes, and appropriate policy responses. Further complicating the picture are increasingly political overtones of approaches to the topic. Distinctive concerns of advocates for FoRB, differing perspectives, and limited attention to FoRB concerns per se among broader human rights communities have contributed to a regrettable separation in tactics and alliances. Given evidence of negative trends in respect of FoRB, and a will to address violations amid tensions among human rights communities over definitions and methods, there is a premium on solid evidence as well as on clear criteria for assessment to serve as objective guides for policy related to international affairs, including international development.

FoRB features increasingly prominently among foreign policy priorities of various country governments as well as in non-governmental organisation (NGO) advocacy and programming. Promoting religious freedom has been an explicit aim of US foreign policy since 1998, and FoRB has a large focus in the UK's foreign policy as well. Several other governments focus explicitly on FoRB. Various networks support the sharing of information and cooperation explicitly on FoRB.<sup>2</sup> This focus generally applies broadly to all religious and belief communities and relationships among different communities as well as with the state, but sometimes at a practical level it centres on concerns for

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<sup>1</sup> 'Religious freedom' is the term used most widely in the US; 'FoRB' is the term used in international legal settings and in many countries. The terms tend to be used interchangeably, though there are distinctions, notably where 'or belief' is emphasised. For background on FoRB and debates and tensions around it, see Petersen and Marshall (2019).

<sup>2</sup> The [International Contact Group on Freedom of Religion or Belief](#) was established by Canada in 2015 and includes nearly 30 countries and international organisations committed to protecting and promoting FoRB. Primary participants are capitals-based representatives from foreign ministries or other ministries with responsibility for FoRB. The International Religious Freedom Alliance was formally established in February 2020, promoted by the US government, with a membership of 31 countries (Hartman 2020).



specific minority religious groups. Common themes and shared objectives among foreign policy professionals have been to assure professional and objective standards for engagement with religious communities and to address areas of tension and disagreement within a broad framework of human rights. Correcting blind spots and tempering biases that result from preconceptions, specific interests, as well as imperfect sources of information are further objectives. Interreligious tensions, fragility, and conflict, including violence linked to extremism that carries religious overtones, has been a sharp focus in some settings. Religious engagement broadly and a striving to improve religious literacy among officials have been entry points for some, though by no means all, actors. Most international development and humanitarian organisations have rarely addressed the topic directly and explicitly, though many (multilateral, bilateral, and private) have increasingly recognised a need to be informed and sensitive about religious topics (Tadros and Sabates-Wheeler 2020; Marshall 2015a).

Sound policy approaches, for both diplomacy and development, require analysis that is well grounded in evidence and that is seen to be as objective as possible. Policy analysts are also keenly interested in early warning systems, risk assessments, and indicators that highlight identifiable patterns. The primary objective and policy thrust of such analysis needs to be grounded in human rights and justice as well as concerns for peace and wellbeing. FoRB analysis ideally will highlight contextual situations, provide a sound basis for comparison, and assess trends within and across time, contexts, and groups where relevant and possible. Intrareligious, interreligious, and state/religious relations affect peace and social cohesion (within and among nations) and thus conflict analysis and peacebuilding strategies as well as the quality and sustainability of development. The roles of religious actors and institutions broadly, and minority communities more specifically, in conflict situations, mediation, and reconciliation are therefore an increasing focus of attention.<sup>3</sup> Examples here include the Central African Republic, Iraq, Nigeria, Myanmar, and Afghanistan.<sup>4</sup>

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<sup>3</sup> The United States Institute of Peace (USIP) has pursued analysis of religious peacebuilding, generally and in guides (see, for example, *Religious Peacebuilding Action Guides*). Among scholars who have explored both individual traditions for peacebuilding and interreligious approaches are Mohammed Abu-Nimer (2013 and Abu-Nimer and Garred 2018); S. Ayse Kadayifci-Orellana (2015), and Craig Zelizer (2013). Susan Hayward and Katherine Marshall (2015) explore religious peacebuilding traditions of different faiths and specifically issues around the common exclusion of women from visible and formal processes whether led by religious or non-religious actors.

<sup>4</sup> The US Institute of Peace (USIP), Institute for Global Engagement (IGE), Catholic Relief Services (CRS), Search for Common Ground (SFCG), and the Network for Religious and Traditional Peacemakers have focused on religious dimensions of conflict and peacebuilding.

Since the 1990s, reporting on FoRB by governments, NGOs, think tanks, academic analysts, and diverse religious groups has expanded significantly.<sup>5</sup> The reporting varies considerably in scale, methodology, emphasis, audience, and quality. Much reporting can be characterised as qualitative, taking narrative forms, with descriptions and varying levels of analyses focused often on specific FoRB cases and conditions. However, quantitative measures and aggregations of data that document levels and trends of violations are sought after within policy circles, as a basis for sound and objective assessments across countries and regions. Several quantitative measures are available, with others under development, offering possibilities for cross country and regional comparisons, and assessments over longer periods of time.

A backdrop for this review is concern that violations of the right to FoRB are widespread and are growing worse.<sup>6</sup> It is grounded in the CREID programme's focus on inequalities among and within religious communities, where inequalities are most pronounced. Both FoRB violations and inequalities matter because of their human cost and, more broadly, implications for peace, stability, and plural, inclusive societies. In contemporary societies, where pluralism is the de facto norm in most countries, intergroup tensions that often fall along religious lines are a concern for security and social cohesion. Religious tensions, conflicts, and violations of FoRB, and notably their neglect in both diplomacy and international development thinking, detract from progress on many fronts, including many of the individual Sustainable Development Goals (SDGs). Where religious discrimination is a factor in the fundamental dynamics of societies, it can be a driver of poverty overall and harm many who fall among the groups that are most marginalised and left furthest behind. Discrimination against specific religious communities affects that group and, often, the community at large, heightening risks of violence and conflict and undermining or distorting social cohesion and equitable governance. FoRB violations are important not only in themselves; they affect the full gamut of development objectives.<sup>7</sup> These considerations put a premium on careful and objective measurement, especially approaches amenable to broad assessments of the situation and trends.

This paper thus reviews the landscape of assessment and measurement, exploring different methodologies that are available to assess the status of FoRB. The paper's

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<sup>5</sup> Abrams (2018) provides a stocktaking of two decades; it is US focused but articulates the common foundation for the focus on religious freedom. See also Marshall (2007) for a broad background, and Petersen and Marshall (2019) and Bettiza (2019).

<sup>6</sup> See, notably, Pew Research Center (2019).

<sup>7</sup> See, for example, analysis in two Berkley Center/World Faiths Development Dialogue (WFDD) country reviews on faith and development, for [Myanmar](#) and [Nigeria](#).

discussion is guided by underlying operational questions that relate to international development thinking and policymaking: To what extent are development approaches – national and international (social change, progress towards wellbeing) in their frames of reference, policy, and practice – aware of and alert to issues facing religious communities overall, and to challenges facing specific religious communities? How far, and in what ways, do methodologies that focus on assessing FoRB and related topics offer insights of which institutions are unaware or treat it with low priority? Are there major gaps in information or analysis that might enrich understanding and programmes? Might some aspects of FoRB violations potentially inject or maintain or even deepen biases? How are the roles of religious minorities understood and addressed? What are responses to cases where rights are violated? The underlying objective is to highlight ways to assure more equitable treatment and to address violations. This in turn highlights questions around information sources and bases for assessment.

Many operational assessments used by development institutions that address FoRB in explicit ways are country focused and rely heavily on qualitative assessments. Some tend to link various identity markers, including ethnicity and social class alongside religious affiliation. The paper explores, briefly, the ways in which religious inequality dimensions are and are not reflected in broader indices that are widely used in international development and humanitarian assessments, which include the Human Development Index (HDI), Social Progress Imperative (SPI), Transparency International indexes, Freedom House, the Mo Ibrahim Index, and World Economic Forum indices.

Part I of the paper provides background about the methodologies that assess FoRB violations and debates around them. These include the history of different approaches as part of the international human rights systems, the nature of violations (including debates about their nature and relative severity), how the topic relates to international development, how methodologies are used, and why the topic and associated methodologies can become politicised. It thus describes the overall landscape of different assessment approaches. The final section of Part I presents reflections drawing on the analysis. In Part II, different methodologies are examined in greater depth, especially those that are most widely cited in assessing FoRB violations. The review is not comprehensive; some approaches are treated in considerable detail, based on interviews, while others draw primarily on published information. Some groups are introduced as illustrative of different approaches, including some whose focus on FoRB or religion broadly is fairly marginal. The review does not purport to assess the methodologies themselves except to highlight areas of active contestation and debate.

# Part I: Assessing FoRB and Violations

## 1.1. Challenges: rights, pluralism, development, and politics

### 1.1.1 Human rights and FoRB

The Universal Declaration of Human Rights (UDHR), which highlights and specifies that freedom of religion or belief (FoRB) is a central human right, is a foundational document for global governance and it aims to set out universal aspirations.<sup>8</sup> FoRB is thus presented as a ‘universally’ shared objective, with more specific and binding provisions echoed, elaborated, or qualified in various conventions,<sup>9</sup> and – to varying degrees – in the constitutions and laws of many if not most countries.<sup>10</sup> Countries nonetheless approach the role of religion as a facet of national identity, and relationships among different religious communities, and particularly relationships between religious institutions and the state, vary widely. They range from deliberately secular states to various secular/state religion hybrids, to countries with a religious foundation for national identity and law (Saudi Arabia is an example). In this setting, approaches to pluralism, including religious pluralism, vary widely and can be sharply contested. An example is Myanmar where the role of the Buddhist identity is significant and extends (albeit in complex ways) to questions of citizenship rights. The meaning of secularism is seen very differently in, for example, India, France, and the US.

In a recent report, the UN Special Rapporteur on FoRB highlights different state–religion models and their implications for FoRB (Shaheed 2020). Highlighting three types of relationships – (a) states with official or favoured religions; (b) states with no identification towards a religion; and (c) states that pursue policies to heavily restrict the role of religion – the Special Rapporteur warns against the use of the notion of ‘state religion’ to discriminate against any individual or group but also against ‘doctrinal secularism’, which can reduce the space for religious or belief pluralism in practice. States must, he argues,

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<sup>8</sup> When the UDHR was adopted by the United Nations General Assembly in December 1948 (when there were 58 member countries of the UN), a handful of countries, including Saudi Arabia, South Africa, and former Soviet Bloc countries, abstained. Saudi Arabia’s stated reservations to the UDHR were that its call for freedom of religion violated the precepts of Islam, and that the human rights guaranteed by the Islamic-based law of Saudi Arabia surpassed those secured by the UDHR. As the UDHR is a non-binding declaration, there is no mechanism whereby countries that joined the UN after 1948 could sign or adhere to it.

<sup>9</sup> Notably the International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted in December 1966, entered into force January 1976, and the International Covenant on Civil and Political Rights (ICCPR), adopted in December 1966, and entered into force in March 1976.

<sup>10</sup> See [International Standards on Freedom of Religion or Belief](#) for a useful summary of different elements and standards involved in FoRB.

satisfy obligations including measures that guarantee structural equality and fully realise FoRB. The concept of 'respectful distancing' – i.e. political and legal, but not social, disentanglement from religion – is recommended, with states acting as an impartial guarantor of FoRB to all regardless of the relationships between state and religion or belief.

From a human rights perspective, the freedom to practise one's belief or religion is not unlimited. Governments are entitled to impose restrictions in order to 'protect public safety, order, health, morals or the fundamental rights and freedoms of others', as noted in the International Covenant on Civil and Political Rights (ICCPR). Limitations based on public health concerns have been highlighted during the Covid-19 emergency, which has illustrated and, in some instances, tested the extent and limits of 'legitimate' restrictions. Security threats and realities of terrorist movements and groups with religious ties or ideologies expressed in religious terms are the primary, nominal justification used for restrictions imposed on various religious groups and forms of practice. In many instances, however, restrictions are clearly discriminatory and disproportionate, and as such illegitimate from a human rights perspective.

Three other large questions come into play, important because they shape approaches that underlie assessments of FoRB and links to both international relations and development programmes. First, how is the right to FoRB related to other rights - for example, to freedom of speech and equality before the law? Second, what are the responsibilities of governments and, still more complex, of other country governments and citizens, to address religiously-related discrimination, ranging from annoying behaviours to violence and, most extreme, genocide. The transnational nature of (some) religious communities makes these questions especially significant and complex. A third set of questions arise from debated understandings of collective cultural rights and identities (bordering on or coinciding with religious identities) against individual freedoms. These often involve debates within religious communities as well as among them and they affect international development and humanitarian work in different ways. Arguments made in different countries, explicitly or less so, challenge what is an explicit part of FoRB, which guarantees free expression of one's beliefs and individual rights to choose and change one's religion, on the grounds that such activities can be disruptive to social cohesion and to aspects of national identity.<sup>11</sup> Some religious norms and practices regarding relations between men and women clash with understandings of gender

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<sup>11</sup> This topic is briefly explored in Marshall (2006).

equality as a fundamental human right. The right to proselytise and seek to convert is also contested.<sup>12</sup>

An additional complicating factor is treatment of religious groups that are considered extremist and thus the large body of analysis, policy measures, and programmes that fall under the heading of ‘countering violent extremism’ (CVE) or ‘preventing violent extremism’ (PVE). Methodologies and approaches that track, measure, understand, and predict forms of extremist behaviours that resort to violence do have a relationship to issues of both government restrictions on religion and social hostilities, notwithstanding questions about how far religious beliefs and ties are directly involved. Government restrictions on particular religious groups and practices are often justified in terms of security, linked to the looming threat of violence (witness Myanmar, China, Russia, France, and numerous other cases). These rationales are used to justify restrictions that apply, notably, to the right to assemble and demonstrate, and to journalism. More broadly, social hostilities against particular religious groups or individuals are in some situations linked to fear of violence. Attitudes and restrictions directed to specific religious communities may be shaped by violent incidents linked to religious groups in the society or even internationally, even if the specific group has no history of or propensity to violent speech or action. Poor knowledge or fear of the unknown or of difference can also contribute. These questions and complications have relevance for policymakers as they set debates and actions affecting FoRB within the broad context of diplomacy and development strategies that address security and social cohesion, and thus look to objective measures of trends and indications of violations.

## 1.2 Political dimensions and issues

Political dimensions turning on broad foreign policy approaches to FoRB issues (alluded to above)<sup>13</sup> spill over into debates about various measurement approaches and indices. The debates arise from and are linked to differing basic narratives about, for example, which communities suffer most acutely and why. Several organisations put forward data and narratives arguing that Christians are the world’s most persecuted religious communities. They cite the large numbers of Christian victims and martyrs as a reason for concern and concerted action. Alternative narratives focus on persecution of Muslims. Anti-Semitism and Islamophobia are central to some narratives, as are the plight of other specific groups like Yazidis and Baha’is. The backdrop of the Holocaust, the genocide of

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<sup>12</sup> This topic is explored in depth in Petersen (2020).

<sup>13</sup> Marie Juul Petersen and Katherine Marshall (2019) present a broad review of FoRB, including history and contemporary debates.

Jews, colours many approaches to the topic and justifies a sharp focus on patterns of escalating discrimination and violence. Colonialism is also cited, with prominence given to the impact (especially negative) of Christian missionaries associated with European colonisation (the interlinked impact of merchants, missionaries, and the military – the ‘3 Ms’ – is a continuing theme). The rise in religious nationalism – there are Christian, Islamic, Hindu, Jewish, and Buddhist examples today – also colours discussions of how approaches to FoRB analysis and advocacy are framed.

The central purpose of most methodologies is to assess the nature of harm and suffering, linked both to government restrictions and maltreatment and to societal actions, and thus point to underlying causes, and options available to address them. Assessing relative levels of suffering is rarely their focus; neither are positive models of success (though this absence has been critiqued, generating some response). Special interest and bias, real or perceived, can contribute to or accentuate politicisation of the topic, and are not conducive to thoughtful analysis and action.

### 1.3 FoRB and development

Explicit consideration of how FoRB, FoRB violations, and thus methodologies that aim to assess their impact, are related to development is relatively new terrain. The questions are, however, closely tied to the broad concerns outlined above, notably the links to social cohesion and to obstacles to inclusive policies and programme design. The paper by Mariz Tadros and Rachel Sabates-Wheeler (2020) on inclusive development outlines the halting, mixed, but expanding agenda of ‘religion and development’, discussing different approaches to religious engagement and pointing to the general lack of attention to FoRB and religious minority issues.<sup>14</sup> In the author’s long experience with strategic discussions in an international development organisation, the topics of FoRB and religious discrimination never arose as such. What has been far more prominent is the role of ethnicity (take Rwanda, Burundi, Kenya, and Guatemala as examples). There has been considerable pertinent research and associated policy reflection on issues related to ethnic diversity, intergroup tensions, and ethnic discrimination. Tensions have been linked to the geographic focus of development programmes, which in turn may tie to the concentration of different ethnic communities, as in some instances they overlap with religious minorities. Thus, indirectly attention has focused on inequities that in turn may accentuate religious inequalities, though this has rarely been treated as such. The political

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<sup>14</sup> One of several reviews of scholarship on the evolving field of religion and development is Swart and Nell (2016). There is a growing literature on links between religious engagement, development, and peacebuilding; important sources include Klocek (forthcoming); Marshall (2015b, 2020); Stewart (2019); and Barker, Bennett and Farr (2019).

roles of minorities that hold significant if informal power (the central argument in scholar Amy Chua's *World on Fire*) have figured in analyses of governance and accountability, and sometimes specific religious identities have been involved, with violent incidents one outcome (Chua 2004; Marshall 2016); Indonesia and Malaysia are examples. Scholar James Scott (2010) highlights this argument in Asia, pointing to compromises that specific minority groups have made with both governments and majority communities to secure a basis to operate, with significant implications for development strategies. Overall, the longstanding and persisting difficulty in finding operational ways to reflect the obvious need to 'take culture into account' contributes to the patchy record in thorough and well-grounded analysis of the impact of relationships among religious communities and with the state.<sup>15</sup>

An exception to the overall picture of lack of attention to religious inequalities in development settings was an explicit discussion in the World Bank during its 2016 review of 'safeguard policies'. These policies have historically focused on environmental protection and cultural heritage, but during this broad review, the possible expansion of the policies to include religious discrimination was discussed. The context was to explore whether it was feasible or desirable to take into account 'all relevant environmental and social risks and impacts of the project, including - (ii) risks that project impacts fall disproportionately on individuals and groups who, because of their particular circumstances, may be disadvantaged or vulnerable'. Disadvantaged or vulnerable is defined (in a footnote) as 'those who, by virtue of, for example, their age, gender, ethnicity, religion, physical, mental or other disability, social, civic or health status, sexual orientation, gender identity, economic disadvantages or indigenous status, and/or dependence on unique natural resources may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits'. Following a meeting in March 2016, the difficulty in defining practical ways to bring these issues into a common and workable operational framework resulted in a decision that the topic of religious discrimination would not be included explicitly in the new policy (World Bank 2017).<sup>16</sup> This specific case highlights some of the obstacles in the way of defining, in what is inevitably a politicised environment, appropriate approaches that focus on religious inequalities in relation to their impact on development strategies, including allocation of development financial resources and policy and programme design.

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<sup>15</sup> On this topic, see Robert Klitgaard (2021).

<sup>16</sup> The author participated in the day-long review meeting on the topic at the World Bank.



Several analysts, with data sets and analysis, have endeavoured to link religious freedom, human development, and economic development. A notable (and quite controversial) example is 'Is Religious Freedom Good for Business? A Conceptual and Empirical Analysis' by Brian J. Grim, Greg Clark and Robert Edward Snyder (2014). The argument advanced is that 'religious freedom may be an unrecognised asset to economic recovery and growth'. The study examines and presents the argument for a positive relationship between religious freedom and ten of the 12 pillars of global competitiveness, as measured by the World Economic Forum's Global Competitiveness Index. It argues that religious hostilities and restrictions create climates that can drive away local and foreign investment, undermine sustainable development, and disrupt huge sectors of economies. Religious freedom, when respected within a company, for example, can directly benefit the bottom line.

Debates about this approach focus primarily on questions about causality, as well as the difficulties inherent in defining the rigorous quantitative comparators that would be needed to establish which aspects of either respect for FoRB or its violation would link to different aspects of development performance. None of these questions call into question the benefits and validity of religious freedom as a fundamental part of human rights; at issue is whether available data and qualitative information is sufficient to build a robust case for causal links.

#### **1.4 Violations of FoRB: definitions and debates**

International human rights standards define FoRB violations as involving situations where a person or community is prevented from having, adopting, changing, or leaving their religion or belief, is coerced to act in a manner contrary to their religion or belief, is prevented from practising or manifesting this religion or belief, is discriminated against on the basis of their religion or belief, or is prevented from bringing up their children in accordance with their beliefs and in a manner that respects the child's evolving capacity to make independent decisions (Annexe 1 lists different types of violations). Some elements of FoRB are absolute rights that cannot legitimately be restricted (the right to have, adopt, or change a belief or religion, and the right to be free from coercion), but others, related to the right to manifest or practise one's belief or religion, can be restricted under certain circumstances.<sup>17</sup> FoRB violations thus refer both to restrictions specifically

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<sup>17</sup> The ICCPR, with further explanation set out in the Human Rights Committee's General Comment No. 22, defines acceptable limitations subject to the following restrictions: they must be proscribed by law; necessary in order to protect public safety, order, health, or morals, or to protect the basic human rights and freedoms of others; and proportionate and non-discriminatory.

on having and practising a religion or belief, and to broader violations in which a person's religion or belief (or lack thereof) is a component. Examples are exclusion from job markets, discrimination in the health-care system, or persecution on grounds of religious or belief identity. A complexity is that discrimination or persecution against people with a particular religious identity is not necessarily religiously motivated and hostility that seems to have a clear religious motivation is rarely motivated solely on religious grounds. The role of religion in discrimination and persecution can thus be overestimated or underestimated.

## **1.5 Challenges in definitions, assessment, and measurement**

Definitions and sources of data both present important challenges, as different disciplines, different traditions, and different organisations may take quite different approaches. A specific question arising is the definition of 'authentic' religion versus, notably, extremist forms and 'cults', as they are termed in some settings. Other key questions concern distinctions between legitimate and illegitimate restrictions, and criteria as to the groups to which restrictions can legitimately be applied. Differences by language also enter the picture as to what a 'religion' is called and where perceived limits apply. Questions arise in relation to various forms of religious practice where the boundaries between culture and religion are contested or blurred (circumcision and dress are notable examples). Annexe 2 describes as an example evolving debates in France, where the government has listed and regulated certain groups on various grounds, including their potential for undue influence (brainwashing). Most significant are different approaches to understandings of violations and the underlying factors that contribute to them. There is considerable historical evidence that supports the hypothesis that even minor instances of discrimination and bullying (person to person or by community, including through social media) can escalate, sometimes rapidly, suggesting that any evidence of specific groups warrants serious attention.

Data on religious adherence, which is notoriously difficult to measure, can affect broad understandings of FoRB and thus violations. Judd Birdsall and Lori Beaman (2020) highlight the widespread use of the Pew Research Center's (2012) figure that 84 per cent of the world's population has a religious affiliation. The number itself, as Pew clearly indicates, is indicative and surrounded by numerous questions. However, essentially it highlights that religious beliefs and communities are important for a significant majority of the world's population. But the questions that arise point both to definitional questions – what does adherence mean? (attendance at ceremonies? identification by community? overlap with ethnicity?) – and to the depth and significance of that adherence. Invariably, multiple identities affect both behaviours of individuals and communities and the way

they are perceived. Shortcomings in demographic data on religious adherence are, to say the least, significant among countries and the data are often highly contested. Some countries forbid collection of data on religious adherence, for example, or exclude either the general question or some groups from census data. These basic questions around defining and counting apply especially to many religious minority communities whose status may well be contested or deliberately downplayed or inflated.

A final and obviously critical set of 'basic' questions relate to how to define and assess performance on assuring the right to FoRB. International human rights law is clear and broadly accepted as to FoRB. However, scholar Jonathan Fox (2020a) argues that there is, in reality, no clearly accepted definition and, more significant, operational understanding of religious freedom, and that many accepted definitions include contradictory elements. This is reflected both in the lack of consensus in national legislation and in fundamental inconsistencies among different facets commonly used to measure FoRB that Fox points to. His analysis further suggests that few countries can claim real freedom of religion by frequently used definitions, including several democratic nations that pride themselves on religious freedom. While surveys indicate that, in practice, many citizens respond positively that their freedom of belief and worship is respected (e.g. Banerjee 2008), Fox's argument highlights the many areas where different priorities and understandings of elements of FoRB are pertinent both for the analysis of methodologies and for policy response to inequities and violations.<sup>18</sup>

## 1.6 Defining and rating violations

Questions about how to identify violations (whether by states or taking the form of social hostilities) and to assess and compare them are central to this review of different methodologies.<sup>19</sup> They involve the types of data that are included and how and by whom they are collected and analysed, types of violations that are the focus, responsibility for violations and for addressing them, and rating and ranking of pervasiveness, severity, and significance.

The data that go into different reports and rankings come from diverse sources, collected in different ways. These include analysis by observers and experts, fact-finding missions, field visits, interviews, surveys, newspaper monitoring, social media mining, and citizen reporting. Reports drawing on this data also take quite different forms: annual or periodic reports, thematic analyses, or global rankings. Some cover all groups and individuals

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<sup>18</sup> Useful reference documents include Ackerman and Finlay (n.d.); Bielefeldt (2018); Bielefeldt, Ghanea and Wiener (2016); Evans (2006); Fox (2019a, 2019b); Hertzke (2012); Marshall (2013).

<sup>19</sup> This section draws on Petersen and Marshall (2009).

while others look more narrowly at FoRB violations for a particular community. Some reports involve overviews and rankings based mainly on secondary sources (annual reports of the European Parliament Intergroup on Freedom of Religion or Belief and Religious Tolerance and the Pew Research Center’s annual reports on restrictions on religion are examples). Various quantitative data sets include basic information on the status of FoRB in different countries (Cingranelli-Richards Human Rights Data Project, the Association of Religion Data Archives’ Religion and State Dataset, and Boston University’s World Religion Database). In Table 1, a rough typology of different kinds of violations is presented that sets out some specific examples that mark situations of severe persecution, discrimination, and what might be termed intolerance or exclusion, by the state or non-state actors.<sup>20</sup>

**Table 1: Typology of pervasiveness of violations<sup>21</sup>**

State	Non-state
<b>Severe violations (persecution)</b>	
The state commits to, sponsors, or tolerates religion-related acts of violence, or fails on several occasions to prevent or respond appropriately to such acts.	Non-state actors systematically attack individuals or groups for adoption, changing, or abandoning a religion or belief, blasphemy, religious insult and criticism.
The state punishes the adoption of, changing of, or abandoning a religion or belief, blasphemy, religious insult and criticism, with death, forced labour, or long imprisonment.	Non-state actors systematically interfere with individuals’ or groups’ freedom to manifest or practise their religion or belief.
The state systematically applies restrictions on individuals’ or groups’ freedom to manifest or practise their religion or belief.	Non-state actors engage in systematic discrimination based on religion or belief against one or more groups or their individual members.
The state engages in or tolerates systematic discrimination based on religion or belief against one or more groups or their individual members. There is, in practice, total or almost total	

<sup>20</sup> This draws on the analysis in Petersen and Marshall (2009) and earlier analysis by Gatti *et al.* (2019).

<sup>21</sup> Petersen and Marshall (2019). This typology builds on the methodology developed by Gatti *et al.* (2019) for the European Parliament Intergroup on FoRB & RT.

<p>impunity for those who engage in systematic discrimination on grounds of religion or belief.</p>	
<b>Discrimination</b>	
<p>The state fails to prevent or respond to occasional religion-related acts of violence by non-state actors.</p> <p>The state punishes the adoption, changing, or abandoning of a religion or belief.</p> <p>The state punishes blasphemy, religious insult, and criticism with shorter imprisonment or the payment of fines.</p> <p>The state applies restrictions in specific contexts,<sup>22</sup> without generally preventing individuals and groups from practising their religion or belief.</p> <p>The state engages in occasional discrimination based on religion or belief against one or more groups or their individual members. Laws are in place to deter and punish discrimination on the grounds of religion or belief, but coverage is not total and/or they are not well implemented.</p>	<p>Non-state actors occasionally attack individuals or groups for adoption, changing, or abandoning a religion or belief, blasphemy, religious insult, and criticism.</p> <p>Non-state actors occasionally or in specific contexts interfere with individuals' or groups' freedom to manifest religion or belief.</p> <p>Non-state actors engage in frequent, but not systematic, discrimination based on religion or belief against one or more groups or their individual members.</p>
<b>Intolerance and exclusion</b>	
<p>The state responds to acts of occasional religion-related acts of violence by non-state actors, but with delays or inefficiency.</p> <p>The adoption, changing, or abandoning of a religion or belief, blasphemy, religious insult, and criticism are not legally prohibited or punished, but are administratively difficult.</p>	<p>Non-state actors engage in sporadic religion-related acts of violence.</p> <p>The adoption, changing, or abandoning a religion or belief, blasphemy, religious insult, and criticism are met with widespread criticism and social control.</p> <p>Non-state actors engage in the intolerant and discriminatory practices against individuals or groups because</p>

<sup>22</sup> Other than those clearly allowed under international human rights law.

<p>There are no legal restrictions on individuals' or groups' freedom to manifest religion or belief, but occasional administrative obstacles.</p> <p>The state does not engage in discrimination based on religion or belief, but does not actively respond to societal discrimination and intolerance, more often than not, but does not have in place the measures needed to effectively deter and punish discrimination fully.</p>	<p>of their religious or belief identity and practices.</p> <p>Non-state actors engage in intolerant and discriminatory practices from time to time against individuals or groups because of their religious or belief identity and practices, but know that they may face sanctions.</p>
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Several of the methodologies aim to assess the pervasiveness or intensity of violations of FoRB. This can be a complex exercise, with some topics of focus included in the UDHR, Article 2, while others relate to rights to manifest or practise one's belief or religion, which can be restricted under certain circumstances. Explicit or implicit judgements are involved, but the central issue is whether the right to live free of discrimination on the grounds of religion or belief and the right to be free from coercion is guaranteed and respected. Common questions in various methodologies include the following: Is there violence linked to religious adherence? Is the right to have, adopt, change or leave religion and to be free from coercion restricted? Are instances of violence, restrictions, and discrimination systematic or occasional? Are they widespread or sporadic? Are violations justified by national law or is there resort to law? Are individuals arrested or detained, charged or sentenced in relation to these violations? Where violations that are illegal occur, is access to justice available in practice and is it effective?

Direct or indirect discrimination that is linked to an individual's or a community's religion or belief is contrary to international human rights law. From the perspective of the individual or community involved, understanding the ultimate motivation of the discriminating party may, however, seem irrelevant. A further complication is that in some situations, adherence to a religious community is imputed to individuals who do not actually hold that religion; for example, when religious adherence is associated with an ethnicity.

Genocide is the ultimate expression of persecution and its definition and understanding its causes and responses are intensively examined.<sup>23</sup> The definition focuses on circumstances where the state commits, sponsors, or tolerates acts with intent to destroy

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<sup>23</sup> See, notably, Power (2002).

a group, in whole or in part, or when non-state actors commit acts with intent to destroy a group, in whole or in part.<sup>24</sup> This can include killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group. Under the UN Convention on the Prevention and Punishment of the Crime of Genocide states are obligated to act.

The Responsibility to Protect,<sup>25</sup> spurred or inspired by genocidal horrors in Rwanda, Burundi, Cambodia, and Kosovo, among others, was approved, unanimously, at the 2005 high-level UN World Summit meeting. It represents a framework for international obligations in relation to prevention of and response to the most serious violations of international human rights and humanitarian law. It does not specifically address FoRB or its violation, but they are linked by history and by circumstance to understandings of R2P.

In rating pervasiveness, severity, and impact, the responsibilities of states and social actors, including non-state actors, such as terrorist and vigilante groups, political parties, media, businesses, religious leaders, and other organisations may be involved. Indifference and tacit support by civil society groups can also be a factor.

A scale of violations and interlinkages is explicit or implicit in some of the methodologies. Linkages to broad social goals may be at issue, including the effectiveness of conflict prevention and resolution. Counts or estimates of the numbers of individuals involved in pertinent religions may be deliberately downplayed or inflated by different actors. An important issue that is often ignored is the link between aspects of FoRB and gender equality. The roles of gender equity in relation to FoRB deserves particular attention, yet it is rare that they are a primary focus (see Petersen 2020 and Tadros 2020). Another topic that merits additional attention is the types of role played by intrareligious and interreligious bodies in highlighting violations or mitigating them and assessments of their effectiveness.

## **1.7 Different measures, qualitative and quantitative, public and private**

The discussion below describes briefly various approaches and methodologies that focus on FoRB, with additional detail in Part II. The methodologies outlined include measurement efforts and reports initiated and supported by public authorities

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<sup>24</sup> Article II of the UN Convention on the Prevention and Punishment of the Crime of Genocide.

<sup>25</sup> See [Responsibility to Protect](#).

(transnational, national, and more local), and a variety of non-state methodologies. Some rely heavily on qualitative reporting, while others aim to establish and evaluate quantitative assessments. The review is not comprehensive, but it includes widely cited methodologies and a sample of different kinds of resources, focusing on their stated aims and areas of focus as well as the methods they employ to collect, analyse, and present findings. Table 2 summarises different categories and approaches.

**Table 2: Broad categories of measures and assessments**

Category of approach	Public/government linked	Non-public
Broad-based methodologies drawing on secondary sources; quantitative and comparative focus.		<ul style="list-style-type: none"> <li>• Pew Research Center: GRI Index (government restrictions, policies, laws) and Social Hostilities Index (SHI) (religious hostility by private individuals)</li> <li>• Religion and State Database Varieties of Democracy (V-Dem) Project</li> </ul>
Methodologies that rely on the review of primary and secondary qualitative data, examining a range of sources to provide a contextual analysis.	<ul style="list-style-type: none"> <li>• UN Special Rapporteur on Freedom of Religion or Belief</li> <li>• US Department of State, Office of Religious Freedom</li> <li>• United States Commission on International Religious Freedom (USCIRF)</li> <li>• Organization for Security and Co-</li> </ul>	<ul style="list-style-type: none"> <li>• Open Doors</li> <li>• Minority Rights Group</li> <li>• Jehovah’s Witnesses</li> <li>• Religious Freedom Institute (RFI)</li> </ul>



	<p>operation in Europe OSCE-ODIHR: Office for Democratic Institutions and Human Rights, Hate Crime Reporting</p> <ul style="list-style-type: none"> <li>• European Parliament intergroup on FoRB and Religious Tolerance (RT)</li> </ul>	
<p>Observatories of religious violence/pluralism that monitor incidents as they happen, involving the continuous monitoring of online media.</p>	<ul style="list-style-type: none"> <li>• OIC Islamophobia Observatory</li> </ul>	<ul style="list-style-type: none"> <li>• Al-Azhar Observatory for Combating Extremism</li> <li>• Observatory on Intolerance and Discrimination Against Christians in Europe</li> <li>• The Observatory on Radicalisation and Counter-Terrorism (REACT Observatory)</li> <li>• The Observatory on Radicalisation</li> <li>• Hate and Violence Speech Observatory Syria</li> <li>• Observatory of Religious Freedom in Latin America (OLIRE)</li> <li>• eMore Europe</li> <li>• Centre for the Analysis of Social Media (CASM) (uses</li> </ul>

		<p>machine learning software for continual live monitoring of social media)</p> <ul style="list-style-type: none"> <li>• The Community Security Trust (CST)</li> </ul>
Long-term reflections on trends including genocide prevention.		<ul style="list-style-type: none"> <li>• USHMM Early Warning Project's Annual Statistical Risk Assessment</li> </ul>
Citizen-based reporting mechanisms/platforms.		<ul style="list-style-type: none"> <li>• The International Civil Society Centre</li> <li>• World Movement for Democracy</li> <li>• CIVICUS</li> <li>• Minority Voices Newsroom</li> <li>• Humanists International</li> <li>• Muslim Council of Britain</li> <li>• Centre for Media Monitoring (CfMM)</li> </ul>
Methodologies that indirectly capture/measure religious freedoms and religious inequalities		<ul style="list-style-type: none"> <li>• International Center for Not-for-Profit Law's Civic Freedom Monitor</li> <li>• Hudson Institute's Index of Philanthropic Freedom</li> </ul>
Country or community specific reporting	Wide range of government reports	<ul style="list-style-type: none"> <li>• Tolerance and Diversity Institute (TDI) (Georgia)</li> <li>• Religious Freedom Monitoring Network Project (Russia)</li> </ul>

		<ul style="list-style-type: none"> <li>• Iraqi Ceasefire Centre for Civilian Rights (use of social media data mining)</li> <li>• Citizens against Hate (documents religiously motivated 'vigilante violence' and 'organised communal violence' in India)</li> <li>• Burma Human Rights Network (periodic reports on the situation of religious minorities; in particular, Rohingya Muslims and Christians in Myanmar)</li> <li>• Norwegian Helsinki Committee's Freedom of Belief Initiative (İnanç Özgürlüğü Girişimi) in Turkey (periodic information on the FoRB situation in Turkey)</li> <li>• National Christian Evangelical Alliance of Sri Lanka (documents incidents of 'violence and intimidation against Christians')</li> </ul>
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Widely used measures and rankings on development	<ul style="list-style-type: none"> <li>• UNDP Human Development Index</li> <li>• World Bank CPIA</li> </ul>	<ul style="list-style-type: none"> <li>• Human Rights Watch</li> <li>• International Crisis Group</li> <li>• Freedom House</li> <li>• Social Progress Imperative</li> <li>• Transparency International</li> <li>• World Economic Forum</li> <li>• Mo Ibrahim Index (Africa)</li> </ul>
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## 1.8 Towards analysis and conclusions

The reports, data sets, maps, and qualitative stories provide a rich set of information and thus a strong foundation for analysis and action. To this more formal set of materials should be added a wide range of more personal witnessing, in the form of films, videos, other forms of art, and interviews, for example. Methodologies span a wide gamut, from quantitative and global, to qualitative and more focused on regions, countries, and communities. Approaches differ also in looking to trends over time.

A striking finding of the review is the diversity of efforts to measure and report on topics related to FoRB, and particularly violations. With increasing availability of different types of data (linked *inter alia* to new technologies) and rising interest in and advocacy for FoRB, the number of efforts has multiplied in recent years. The different approaches provide important evidence and insights into situations where rights of people and communities are abused and people suffer. The review nonetheless highlights significant concerns. These arise in large part from different understandings of priorities in promoting FoRB and responding to violations; these do not together indicate a clear narrative of the overall situation. Mechanisms to address persecution begin with its definition and understandings of early warning signs, as well as positive appreciations of effective responses. In all three instances there are significant weaknesses. Also of concern is the polarisation among communities on the nature and priority of different forms of discrimination, persecution, abuse, and other FoRB violations. The complex picture that emerges from the review of the different methodologies and some of the quantitative as well as qualitative findings, leaves fundamental questions as to why worsening trends are emerging so consistently. Both by omissions and by some indicators, many questions

also arise as to links among different indicators of respect for or violation of FoRB, and between FoRB and other human rights and development indicators.

The use of indicators of religious freedom and violations in most international development and humanitarian institutions at present is quite limited. Integrating ways in which religious indicators, including of FoRB, treatment and welfare of religious minorities, and FoRB and other human rights violations into the many measures of development progress and challenges is a topic that deserves reflection and priority action. This applies especially for governance and fragile state situations but has implications for human development and humanitarian work in all its many dimensions.

Another priority need is to look more to positive measures and examples that explore especially proactive measures to reinforce religious pluralism and tolerance. There is also a need for expanded efforts to deepen understandings of the causes for abuse and other violations of freedoms. As issues of discrimination and stigma translate into both hate speech and violence, looking to approaches in education systems is an example of where links could be strengthened.

The Covid-19 emergency highlights areas of debate around state–religion relationships and appropriate and lawful restrictions as well as essential freedoms, and thus offers excellent opportunities for dialogue among the different actors involved (Weiner and Lavery 2020). Engaging two particular communities, human rights advocates and international development institutions, in an effort to address these issues might offer a path forward.

The following paragraphs highlight more detailed comments arising from the review and pending questions.

**Context needs to be considered as a priority.** Respect for and violation of religious freedom and FoRB depend in great measure on the specific context of the country or society. This is of paramount importance for diplomatic or development response and action. No widely accepted methodology for country analysis on FoRB per se exists. Country-specific thematic analysis is exemplified in the extensive and *sui generis* US Department of State reports. These draw on quite wide sets of information and build year to year, but they offer little framework for comparison among countries, often focus on a quite narrow range of issues, and eschew judgements either on the overall situation or on trends. Robust case studies and country overviews are needed to gain a granular understanding of the particular conditions that account for the trends seen in data and circumstances at a country level.

**Religious measures are strikingly missing in methodologies and indices that assess human development progress.** The most widely used approaches to assess and compare development and humanitarian programmes and performance rarely devote more than marginal attention to religious dimensions, including FoRB. This includes the indicators for the 17 SDGs and 167 targets and human rights reviews. Reasons include habits and conventions, poor data, and lack of consensus on what to measure. The pertinent question is whether and how including FoRB and religious inequality measures might offer new insights. How might rankings and ratings change?

**Data verification is especially challenging for FoRB.** This perennial and persistent challenge is accentuated by particular sensitivities around assessing violations and thus necessary secrecy or discretion in many local contexts. The wide diversity of situations, including in the nature and severity of violations, is another important factor. The Pew methodology which is so widely used relies entirely on secondary sources. The Pew ratings process uses data-verification checks reflecting best practices, such as double-blind coding (coders do not see each other's ratings), inter-rater reliability assessments (checking for consistency among coders), and carefully monitored protocols to reconcile discrepancies among coders. Cross-verification between sources is used. By relying on multiple sources, Pew works to integrate available facts from disparate sources and resolve ambiguities or gaps in data. However, the odd comparisons that emerge highlight the data challenges involved at a fundamental level.

**Data limitations are an important challenge.** Countries may limit, censor, or manipulate records, media, or other publicly available information. There may be over-reporting in freer-access countries, leading to saturation, while under-reporting in countries with more repressive governments may lead to major information gaps and distorted data. Self-reported data or data obtained through interviews may be limited by distrust or confidentiality concerns. Headline-capturing news may reflect poorly significant or even under-reported but important happenings in a region (dogs that do not bark). Divisive, controversial, or politically charged events may dominate media and research attention and distort their relative scale.

**Rankings or ratings can be helpful for broad brush appreciations but are fraught with some significant pitfalls.** Minority Rights, Early Warning Project, Open Doors, CIVICUS, Transparency International, and various other international and national reports and online platforms use country rankings or ratings to analyse and present their data. These can be compelling and help in conveying the kind of broad picture and comparisons that policymakers and analysts (as well as the media) find useful. However, with respect to FoRB, such ranking offers limited insight into the causes of differences between countries.

These differences cannot readily be standardised, given the vital importance of context in assessing how FoRB is understood and applied. Even when two countries have the same score or rating, this may well not reflect similar conditions (witness the thoughtful observations of Birdsall and Beaman on the Pew Research Center religious freedom ratings).<sup>26</sup> Quantitative analysis resulting in ratings and rankings may blur or miss differing magnitudes and frequency of persecutions or oversimplify situations. Underlying causes and mechanisms of persecution are not reflected. Some assessments rely on surveys of perceptions, posing similar questions to those often raised for the widely used Transparency International Corruptions Perception Index.

**Methodologies focusing on issues for specific traditions such as Christians, Jews, and Muslims can be important and useful in mobilising concern and directing attention to critical issues but can distort overall approaches to advancing FoRB. Indigenous religious communities merit far sharper attention in FoRB discussions and action.** Tradition-focused assessments are helpful in bringing greater levels of detail and context to the situations, including transnational trends and comparisons among situations. They tend, however, to beg questions of comparison and context which loom large in policy discussions. An example is the ways in which the indicators treat, respectively, concerns about anti-Semitism, persecution of Christians, and Islamophobia as focal issues, often without probing analysis of how they are linked to each other and to the broader policy and social context. A focus on smaller but at times highly marginalised religious minorities has been achieved (e.g. Bah'ais, Ismailis, and, more recently, Yazidis), but these and other similar groups remain under-resourced in terms of both information gathering and resources to disseminate information gathered. There is a continued need to ensure that the 'World Religions' do not overshadow very serious impacts on the smaller communities, such as the Kaka'i community in Iraq. Of particular concern currently is the vulnerability and invisibility of indigenous belief systems and religions that are being decimated by the loss of territories and land with either natural features or ancestral burial sites that are critical to their world view and spiritual systems and beliefs. It is tragic and wrong that indigenous peoples feature so little in debates at this time about FoRB.

**How religion is defined presents specific and significant issues.** Such disagreements and ambiguities lie behind some tensions and restrictions, including in roles that women play, new religious movements, and intrareligious tensions. Also important is the fact that the vulnerability of religious communities is often linked to non-religious as well as more strictly religious motives, with behavioural, practise aspects of religious communities playing roles. Social tensions are often linked to emerging or contested religious traditions. In the Covid-19 emergency, different burial traditions assume particular

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<sup>26</sup> Birdsall and Beaman (2020).

importance and give rise to often serious tensions. With complex religious identities, especially where lived religion is concerned, the issues involved in discrimination, hate speech, stigma, and violence can have twisted and complex roots. Especially important are the host of issues around gender relations and family practices. Different approaches to sexuality, age of marriage, women's right to work, roles within the family, divorce, and attitudes towards 'honour', pride, and 'dignity' can play roles in violations of basic freedoms and contribute to inter-group tensions.

**The element of judgement in methodologies focused on FoRB should be better appreciated and acknowledged in policy discussions, and some underlying issues involved around power and politics should be taken into account.** Much reporting aims to support judgements about overall trends and causes of problems as well as risk assessments. Such comparisons are difficult, and subjectivity is hard to avoid, especially among those in humanitarian communities where respect for neutrality is an important mantra. The data involved come from multiple sources and are most often partial and unreliable. This poses significant challenges for policymakers who are often required to speak to judgements. The designation by the US president (via the Secretary of State) of Countries of Particular Concern (CPCs), with tangible consequences for people of the country concerned, is an example. The Pew Research Center's analysis and rankings, including the distinction between the Government Restrictions Index (GRI) and the Social Hostilities Index (SHI), have particular importance because they respond to the need and desire for respected sources of evidence. They are broadly seen as objective, allowing reasonable comparison over time. The measures are based on a scale of points given for violations, as indicated by a series of specific questions, with data-verification through double-blind coding, inter-rater reliability assessments, and carefully monitored protocols. The RAS database is also respected and used by multiple sources. Nonetheless, both are inseparable from the primary sources that go into the analysis, all of which are subject to at least some element of selectivity and judgement. The issue of neutrality can also, however, reflect or contribute to avoidance of measuring or interacting with religious or ethnic factors. Acknowledging religion as a factor means acknowledging existing power structures and that adding resources into a context where different actors have different power, social status, social and political capital, etc. is far from neutral, risking, for example, maintaining or deepening inequalities.

**There are complex practical and ethical questions around incident reports and ways to link them to policy instruments. This applies to urgent action as well as to the need for deeper understanding of causes both of government restrictions and social hostilities.** An example of a vital and urgent topic is hate speech and violent incidents, given the need to develop sensitive and appropriate responses to them. Particular challenges arise in



considering the sources of primary data used in several if not most methodologies. The position and identity of the data gatherer and data-gathering processes vary and present practical and ethical dilemmas. Issues of trust and trustworthiness are involved. This poses significant ethical questions about treatment of data but also more practical questions about how far the data can be generalised and accepted as representative and trustworthy. But the voices that courageously report, despite risks, need and deserve to be heard.

**More recognition of wide gaps between law and policy and what happens in practice is needed, including in dialogue with the governments concerned.** Laws or legal protection may not be indicative of an authentic, practical guarantee of rights. They may, however, figure in reporting that draws on official narratives. This speaks to the need to focus on implementation, with solid grounding in what are likely to be complex local realities. Focusing on laws and regulations is a central issue but this is often only part of the story.

**The data used in virtually all the methodologies and reports are imperfect and efforts to address flawed data bring some specific risks and potential distortions.** Data are always incomplete, with flaws and important gaps. For the topics at hand, many gaps matter in important ways. Analyses may simplify complex realities because they rely on limited as well as uncertain variables. Complex interactions among social, political, and cultural factors that so often contribute to the vulnerability of specific religious communities or individuals are difficult to discern. There is a contrast between measurement approaches that adopt something of a 'laundry list' approach with numerous variables, which run the risk of being so specific or narrow that they are insufficiently comprehensive, or so comprehensive that they have 'extensive lists of factors contributing to religious violence and revolution'<sup>27</sup> that offer little basis for action. The longer lists complicate the task of data collection and, though they help to identify pieces of the puzzle, may well provide little real help in putting it together.<sup>28</sup> Focusing on a small number of variables to describe religious freedom runs the risk of overlooking the specific and often complex human security threats to which religious minorities are vulnerable.

**Cross-national comparisons tend to centre on the nation-state, with macro-level indicators and high levels of generality across what may be very different regions and communities.** Nuance and specificity are, however, vital to understanding the issues involved and, still more, acting on them. Measuring and assessing civil society and social attitudes more broadly is critical, but especially difficult. That includes groups far beyond

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<sup>27</sup> Petri (2020).

<sup>28</sup> Jonathan Fox (2016) is among those who make this point.

religious institutions, such as organised crime and indigenous authorities. A human rights perspective tends to consider the state as the primary actor with responsibility for human rights violations. During the Cold War, many communist regimes played outsized roles with the actions of governments restricting religions. Several methodologies in effect responded to these concerns in their origins. States are still responsible for many FoRB restrictions, but the social dynamics related to religious conflict have become increasingly complex and need an equal focus.

In sum, a range of cross-country assessment tools and reports on FoRB have emerged in recent years. They present different results, depending on the methodology and specific observations as well as the position of the evaluators. Positively, the efforts overall help to document, quantify, and compare the situation of freedom of religion across world regions and countries. However, significant areas call for discerning attention in how they are used. The underlying bases for analysis and the data used are patchy, they often neglect or oversimplify local realities, they tend to focus primarily on government roles, and they may reflect quite restrictive understandings of both religion and secularisms.<sup>29</sup> Important groups may be excluded. In contrast, the daily life of large groups of citizens on which pluralism must be grounded may vanish from sight in a focus on a small set of incidents and individuals.

The goal of both FoRB advocacy and of specific methodologies is to enhance authentic commitment to this human right. To achieve this goal in practice, assessments and interventions need to focus sharply on specific situations and problems, both to identify areas for action and to enhance understanding of underlying trends. Future challenges include how to adjust for differences between countries (demographically, politically, etc.) when standardising methodologies for data collection and analysis. Including country/regionally specific qualitative analysis and thematic overviews may help address the shortcomings of a ranking or scoring system and highlight key issues and specific challenges/developments/observations. Factors such as intrareligious harassment (including gender) need to receive sharper focus. In short, there is no simple narrative for either respect for or violations of FoRB. While the differing methodologies illuminate some aspects, there are important gaps and need for deeper understanding.

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<sup>29</sup> Similar points are made by Petri (2020).

# PART II: Methodologies Focused on FoRB

## 2.1 Official reports and underlying methodologies

### *2.1.1 UN Special Rapporteur*

Within the United Nations system, the Special Rapporteur on Freedom of Religion or Belief has a specific responsibility to follow and report on the status of FoRB. The office (one of some 32 special rapporteurs<sup>30</sup>) was established in 1986 when the United Nations Commission on Human Rights appointed a ‘Special Rapporteur on Religious Intolerance’ (Resolution 1986/20); the title was changed in 2000 to ‘Special Rapporteur on Freedom of Religion or Belief’.<sup>31</sup> The present Special Rapporteur, Ahmed Shaheed, is the fifth to hold the position.<sup>32</sup> The Rapporteur’s mandate is significantly broader than reporting on FoRB violations and the work is especially pertinent because over the years, the Rapporteur has grappled with many of the most contentious issues involved in relation to human rights and international law – for example, rights to conversion and proselytising – and thus areas of tension that are linked to violations. A March 2019 report focused on FoRB and freedom of expression as two closely interrelated and mutually reinforcing rights (UN Special Rapporteur on Freedom of Religion or Belief 2019). A February 2020 report highlights the links between FoRB and the right to gender equality, and the October 2020 report focuses on racism.<sup>33</sup>

The Rapporteur’s official mandate involves promotion of measures at the national, regional, and international levels ‘to ensure the promotion and protection of the right to FoRB’; **identifying** existing and emerging obstacles to the enjoyment of FoRB and **presenting recommendations** on ways and means to overcome such obstacles; **making continued efforts** to examine incidents and governmental actions that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to **recommend** remedial measures as appropriate; and **applying a gender perspective**, among other things, through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations.

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<sup>30</sup> As of October 2020, the [Human Rights Council](#) oversees 44 [thematic](#) mandates and 11 [country-specific](#) mandates.

<sup>31</sup> See [Special Rapporteur on Freedom of Religion or Belief](#) and the [mandate](#).

<sup>32</sup> See an [interview with UN Special Rapporteur Ahmed Shaheed](#).

<sup>33</sup> See the two reports: [February](#) and [October](#) 2020.

The Rapporteur works by (a) transmitting urgent appeals and letters of allegation to UN Member States on cases that represent infringements of or impediments to the exercise of the right to FoRB; (b) undertaking fact-finding country visits; and (c) submitting annual reports to the Human Rights Council, and the UN General Assembly, on activities, trends, and methods of work (United Nations 2011: 2).<sup>34</sup> The Rapporteur draws on a combination of complaints received and information gathered during country visits. Reports thus rely on the analysis of trends and priorities by the Rapporteur and his/her office (though, it should be noted, the capacity of office is limited by resource constraints). The Rapporteur has not articulated a specific methodology to guide the selection of priorities. Thus, the office works by examining and articulating underlying conceptions of FoRB that provides a framing for what is being monitored and assessed and the types of data collected (quantitative, qualitative, detailed examples, etc.). The reports produced and the audiences that they reach (UN General Assembly, Human Rights Council, civil society which use reports in advocacy, etc.) are significant in shaping debates and ideas, notwithstanding the Rapporteur's lack of capacity for enforcement or sanctions.<sup>35</sup>

Comments in the Rapporteur's 2019 report illustrate the type of analysis undertaken, issues raised, and the challenge involved in moving to implementation:

Freedom of religion or belief and freedom of expression are closely interrelated and mutually reinforcing rights when they are exercised in the legal framework established by international human rights law. Both rights are fundamental to a democratic society and individual self-fulfillment and are foundational to the enjoyment of human rights.

(UN Special Rapporteur on Freedom of Religion or Belief 2019: 15)

Cases presented illustrate the fact 'that measures for addressing the challenges posed by expression involving religion or belief are open to abuse and can be counterproductive, oftentimes victimizing adherents of myriad religions and beliefs in their application' (*ibid.*). Approximately 58 per cent of the 665 communications transmitted by special rapporteurs on FoRB to UN Member States since 2004 have addressed the relationship

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<sup>34</sup> Examples of conclusions in the [Rapporteur's Digest on Freedom of Religion or Belief](#) include, on the right to conversion: 'The right to change religion is absolute and is not subject to any limitation whatsoever. Any legislation that would prohibit or limit the right to change one's religion would be contrary to international human rights standards and the provisions mentioned above' (United Nations 2011: 10). The section focuses on the often controversial issue of proselytising and possible forms of 'unethical' conversion. The Rapporteur's comment is that: 'While some of these acts may not enjoy protection under human rights law', they should be dealt with on a case-by-case basis. 'Adoption of laws criminalizing in abstracto certain acts leading to "unethical" conversion should be avoided...' (*ibid.*).

<sup>35</sup> See [annual reports of the Special Rapporteur on the freedom of religion or belief webpage](#).

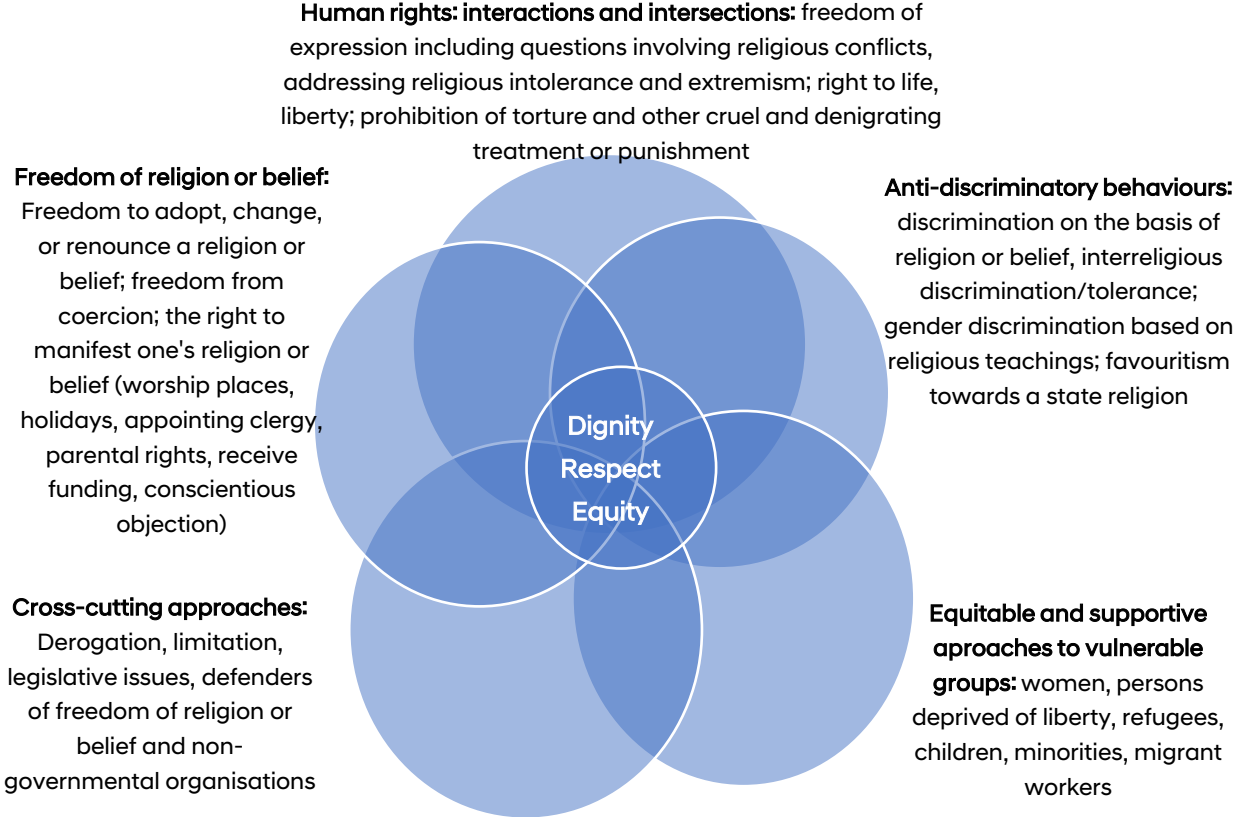
between freedoms of expression and of conscience, religion, or belief. The report notes many reports that detail

surveillance, intimidation, harassment, prosecution, threats of bodily harm, torture or murder following acts that had exceeded the limits imposed by law or social convention on peaceful manifestations of thoughts, conscience, and religion or belief, and/or that had offended the sensitivities of others by denigrating what they held sacred.

(*ibid.*: 3)

Examples of restrictions imposed on the freedom of expression for reasons relating to religion or belief are provided, thus illustrating justifications offered for imposing them. Recommendations note that international law compels Member States to pursue a restrained approach in addressing tensions between freedom of expression and freedom of religion or belief, relying on criteria for limitations that recognise the rights of all persons to the freedoms of expression and manifestation of religion or belief (*ibid.*: 15).

**Figure 1: Human rights and FoRB: approaches and relationships**



Source: This diagram draws on a visual presentation in the 2011 UN Rapporteur's digest on FoRB, which in turn is a digest of the more extensive listing of aspects of the right to FoRB set out in an annexe to the January 2006 UN ECOSOC document [Civil and Political Rights, Including the Question of Religious Intolerance](#).

### ***2.1.2 US Department of State reports on religious freedom***

Annual country reports by the US Department of State provide a continuing set of information about the status of religious freedom, with a common focus on violations and other issues arising. These reports, now with a two-decade history, provide a unique set of documentation that is primarily specific to each country context but in the aggregate provide a basis for analysis over time and comparisons among countries and regions. The reports are an important source for other reporting approaches. Objectives include assuring a continuing focus on religious freedom issues by US diplomats as well as to encourage systematic contact between embassy personnel and a country's religious communities, thus promoting religious engagement. The reports spotlight examples of government and societal action that typify and illuminate issues reported in each country. The effort is ambitious, addressing all countries each year. They are not designed to provide an in-depth analysis of a country's religious situation or to signal, by omissions or inclusions, that a particular case is of greater or lesser importance, or that a case of violations is the only available example. Rather the aim is to focus on series of abuses, offering a basis for engagement.

The US stands out among nations for the formality of its approach to religious freedom (Annexe 3). The annual reporting system by the US Department of State complies with section 102(b) of the International Religious Freedom Act of 1998, by submitting an annual report to Congress on the state of religious freedom around the world. The reports (the most recent was submitted on 10 June 2020<sup>36</sup>) are currently comprised of separate reports on individual countries. These follow a common format but vary in coverage and detail, in large part reflecting an assessment of the significance of religious freedom issues both by the embassy concerned and by the Office of the Ambassador for International Religious Freedom. The length and level of analytic detail reflect the severity of concerns about FoRB, population size, and the demands of a country's religious administration. No other country has a system for analysis and reporting that is as broad and formalised, which encourages readership. The reports serve as a major source for the influential Pew Research Center rating process (see Section 2.2.1). The process has

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<sup>36</sup> See [2019 Report on International Religious Freedom](#).

become better defined over time. An objective for the process is to encourage systematic contact between embassy personnel and a country's religious communities.

The process of report preparation centres on US embassies. An annotated version of previous years' reports is sent to each embassy, with general guidance and specific suggestions for each country, along with a classified communique with standardised instructions. Each embassy prepares initial drafts of country chapters based on information gathered from government officials, religious groups, NGOs, journalists, human rights monitors, academics, media, and others. The collection of data relies on the strength of relationships on the ground and frequent communication and consultation with local field staff. Collecting first-hand in-country data is limited in countries where people might face risks if they communicate with the US government. Here, Department of State officials rely on secondary sources.

The Office of International Religious Freedom, based in Washington DC at the Department of State, collects and analyses additional information, drawing on consultations with foreign government officials, domestic and foreign religious groups, domestic and foreign NGOs, multilateral and other international and regional organisations, journalists, academic experts, community leaders, and other relevant US government institutions. To ensure that reports are comprehensive and to reduce bias, multiple sources are used as far as possible. In recent reports, 'opinion' statements have been removed, including whether a country's freedoms improved, stayed the same, or declined.

It is well understood that the reports cannot capture all developments, particularly topics researchers are unaware of or cannot cover due to sheer quantity. Internal networks and levels and standards of religious literacy are thus important in allowing writers and reviewers to highlight areas of particular significance and fill in data gaps. Notwithstanding significant efforts, data will always be subject to a certain amount of political judgement, particularly where there are contested questions. Reports are limited by the availability and accessibility of information, and one interviewee observed that some embassies are more forthright than others. An overall assessment is that the reports carry significant weight, informing US foreign policy and serving as the foundation for prominent rankings and indices (see the European Parliament FoRB group, for example, which took the 2016 report as a point of departure).<sup>37</sup>

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<sup>37</sup> See [Annual Report 2017 Annex](#).

### **2.1.3 USCIRF**

The US Commission on International Religious Freedom (USCIRF), an independent US government advisory body also established by the 1998 legislation (Annexe 3), monitors violations of religious freedom abroad and makes policy recommendations to the president, Secretary of State, and Congress. USCIRF focuses on a limited number of countries that meet standards for Countries of Particular Concern (CPCs). USCIRF reports describe research conducted over the course of a year by USCIRF commissioners and staff through travel, meetings, briefings, and other research. In contrast to the Department of State reports, which are more subject to diplomatic and political constraints, USCIRF's annual reports 'unflinchingly' describe violations of international religious freedom.<sup>38</sup> Furthermore, unlike the Department of State's reports, USCIRF's commissioners, who approve the reports by a majority vote, have the option of including a statement reflecting their individual views. In addition to featuring select prisoners of conscience in individual country chapters, USCIRF's annual reports also feature prisoners in the report appendices, putting a human face to the myriad religious freedom violations perpetrated and tolerated by state and nonstate actors.<sup>39</sup> To illustrate, the October 2019 listing of recommended CPCs was: Burma, China, Eritrea, India, Iran, Nigeria, North Korea, Pakistan, Russia, Saudi Arabia, Syria, Tajikistan, Turkmenistan, and Vietnam. An additional category is a 'Special Watch List' for countries that fall short of the level of concern indicated by the CPC designation. Among the 15 countries on this list were Afghanistan, Azerbaijan, Central African Republic, Indonesia, Egypt, and Cuba. Several non-state actors are also cited as meriting concern and are being followed.

Decisions on action following the reports from the Ambassador for Religious Freedom and USCIRF (including sanctions) are taken by the US president, with the Secretary of State acting on his behalf.

### **2.1.4 OSCE/ODIHR**

***Organization for Security and Co-operation in Europe (OSCE) – ODIHR Hate Crime Reporting (Office for Democratic Institutions and Human Rights). The Observatory on Intolerance and Discrimination Against Christians in Europe***<sup>40</sup>

ODIHR (as part of OSCE) gathers official data on hate crimes, with the objective of helping participating countries to identify needed responses. OSCE – ODIHR provides

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<sup>38</sup> See the [USCIRF annual reports webpage](#).

<sup>39</sup> See [USCIRF Releases New Report about Religious Prisoners in Turkmenistan's Gulag](#).

<sup>40</sup> See [OSCE/ODIHR hate crime reporting](#), the [methodology](#), and [how ODIHR compiles data on hate crimes](#).



regular guidance and training for civil society groups on hate crime monitoring, and claims result in observed improvements in the quality and level of detail of information received from civil society. The information, as currently collected and compiled, does not, however, support direct comparisons, as reporting is not consistent across countries and does not capture all hate crimes

The Office for Democratic Institutions and Human Rights (ODIHR), originally the Office for Free Elections, was created in 1990 and established in 1991 as an OSCE institution, tasked by participating states to serve as a collection point for information, statistics and legislation on hate crimes, as well as on best practices in addressing hate crime, and to make this information publicly available with a view to defining the priorities of the OSCE in this area. A website is part of the work to achieve ODIHR's mandate in an accessible and transparent way.<sup>41</sup> More specifically, ODIHR provides support, assistance, and expertise to participating states and civil society, to promote democracy, rule of law, human rights, tolerance and non-discrimination. It conducts training programmes for government and law enforcement officials and NGOs on how to uphold, promote, and monitor human rights. Since 2006, ODIHR has reported on hate crimes, serving as a 'collecting point for information and statistics collected by participating States'. It makes its findings publicly available through TANDIS<sup>42</sup> and reports on challenges and responses to hate-motivated incidents in the OSCE region. OSCE is expected to take the reports into account in deciding on OSCE priorities in the area of tolerance.

The methodology draws on an officialised reporting system, which ODIHR characterised in a 2019 report as a diagnostic approach to the collection of hate crime data.<sup>43</sup> Governments (57 participating countries) provide official hate crime data received from civil society and international organisations and the Holy See report hate incidents. National Points of Contact on Combating Hate Crimes (NPCs), appointed by the governments of participating states, provide much of the data. ODIHR issues calls for submissions<sup>44</sup> detailing what is requested from civil society organisations. To be considered a hate crime, the offence must meet two criteria: the act must constitute an offence under criminal law; and it must have been motivated by bias. Bias motivations are broadly defined as preconceived negative opinions, stereotypical assumptions, intolerance, or hatred directed to a particular group that shares a common characteristic,

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<sup>41</sup> See the [OSCE/ODIHR mandate](#).

<sup>42</sup> See [TANDIS \(Tolerance and Non-discrimination Information System\) website](#).

<sup>43</sup> See [ODIHR's Impact in 2019: Supporting a Diagnostic Approach to Hate Crime Data Collection](#).

<sup>44</sup> See [Call for Civil Society Submissions](#).

such as race, ethnicity, language, religion, nationality, sexual orientation, gender, or any other fundamental characteristic. NPCs fill out a web-based questionnaire which covers: data-collection methods, legislation, reported hate crime data, policies and initiatives, and notable cases. ODIHR contacts NPCs to verify incidents and include background information in the report. ODIHR analyses reported data and information to assess whether it can be included in the report, following two basic rules: the crime, activity or change in the law must have taken place during the relevant year; and the information must fall within OSCE's definition of a hate crime. Cases reported by civil society, intergovernmental organisations (IGOs), and the Holy See are recorded and published as 'incidents' as opposed to 'crimes'. Information reported by civil society groups must relate to criminal incidents committed with a bias motivation and must have taken place within the relevant time frame. Incident reports are accompanied by the relevant source, which sometimes includes more than one organisation. The goal is to have multiple sources verify the incident, but that is not always possible. Civil society incidents are not necessarily comparable to officially recorded hate crimes.

IGOs submit incidents reported by a number of field offices. All incidents reported by IGOs are reviewed and must fall within the OSCE's definition of hate crime and the relevant time frame. ODIHR formally requests information from OSCE field operations, the United Nations High Commissioner for Refugees (UNHCR), and the International Organization for Migration (IOM). Research also identifies and summarises reports from the United Nations Human Rights Council; the United Nations Human Rights Committee (HRC); the United Nations Committee on the Elimination of Racial Discrimination (CERD Committee); the United Nations Development Programme (UNDP); the European Agency for Fundamental Rights (FRA); the European Commission against Racism and Intolerance (ECRI); the Council of Europe Commissioner for Human Rights; and the Organisation of Islamic Cooperation (OIC). The Holy See reports on incidents based on bias against Christians in other countries. A review process involves participating states and other contributors, and NPCs are consulted about the presentation of their country information before it is published on the website.

Reports are published annually online on the International Day for Tolerance (16 November), with information disaggregated by type of crime, bias motivation, and country. Statistical incidents are presented as numbers, disaggregated by country, bias motivation, and type of incident, which appear in the overview of incidents provided for each state, but are not included in the descriptive tables. Incident descriptions comprise detailed descriptions as submitted to ODIHR, which are reviewed, summarised, and disaggregated by country, bias motivation, and type of incident. Each country page

includes ODIHR key observations, based on the commitments on hate crime by the participating states.

Some data come from hate incidents reported to ODIHR by civil society organisations, but sources and processes used to gather other data are not clearly defined. It is thus unclear whether coverage is as wide as the website presentation suggests. The 2019 report notes that the number of reported hate crimes does not always provide a full picture of the state of different religious traditions in Europe. Overall, incidents that qualify for inclusion in the hate crime report constitute a small fraction of the intolerance, discrimination, and legal restrictions Christians face in some European countries.<sup>45</sup>

In sum, the limited scope of the report and some of the examples used for Christian persecution, such as a pharmacist being sanctioned for refusing to sell an IUD, a midwife refusing to participate in abortions, or a nurse fined for preventing doctors from giving a lethal injection, reflect some shortcomings. These and other examples may be at odds with other minority rights or represent highly politicised situations, suggesting some political bias in the line of inquiry.<sup>46</sup>

### ***2.1.5 European Parliament Intergroup on FoRB & RT***

A group of Members of the European Parliament (the European Parliament Intergroup on Freedom of Religion or Belief and Religious Tolerance – FoRB & RT)<sup>47</sup> monitors and advocates for FoRB and religious tolerance, based on research and reported violations. An especially significant approach to methodologies to accomplish this was employed for the 2017 report, which drew on the work of an expert consortium of researchers. Previous reports and those following have taken a broader approach, focusing internationally and on initiatives by the European Union (EU). The fourth, 2017 report, however, developed an interesting and useful methodology. The team developed a specific set of indicators and criteria that sought to demonstrate in which countries severe violations of FoRB occur and where EU promotion and protection of FoRB might produce the most effective outcomes. The sensitivity of the EU's influence in each country and that country's relevance for the EU were assessed, as the basis for calculation of a specific 'focality score' for each country covered, focused on five FoRB dimensions. Shortlisted countries were assessed by a set of legal standards that calculated a score out of ten on the state

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<sup>45</sup> See, for example, notes from an [OSCE meeting](#).

<sup>46</sup> And, for example, raises questions as to the responsibilities of pharmacists, midwives, and doctors to their patients and the patients' own rights.

<sup>47</sup> <https://www.eido.studio/projects/forb-rt#:~:text=ForB%20%26%20RT%20is%20the%20European,part%20of%20the%20EU%20community>.

of FoRB violations. Several other countries that were severe FoRB violators were also included. The goal was to support ‘tangible, feasible, and practical proposals that encourage EU policymakers and incentivise our bilateral country partners to engage in, promote and protect Freedom of Religion or Belief and Religious Tolerance more effectively’. In short, the goal was to provide the FoRB and RT Intergroup and EU decision makers at large with policy-relevant advice.<sup>48</sup>

### ***2.1.6 OIC Islamophobia Observatory***

The Organisation of Islamic Cooperation (OIC) established an Islamophobia Observatory in 2007, located in its Directorate of Cultural, Social, and Family Affairs. It monitors and publishes indicators of the magnitude and state of Islamophobia across the world, publishing several reports, monthly bulletins, and research articles in OIC journals on incidents of discrimination, hate crimes, and stigmatisation of Muslims as intolerant, radicals, violent, and terrorists across the world. The methodology employed is described as ‘monitoring events and incidents on [a] daily basis; scanning the minds, public feelings, incidents, and everything that serves as possible indicator of Islamophobia’.<sup>49</sup> Sources cited in the twelfth report (2019) are largely media reports of incidents.<sup>50</sup> The focus is on Europe, North America, and Australia. The context is to address Islamophobia as a legitimate response of the Muslim world. The Observatory reports to the Islamic Conference of Foreign Ministers (ICFM) of OIC member states, which has responded to the issues raised at different levels. OIC is also addressing this issue at a global level. A research review concludes that the effort has helped to make Islamophobia part of the international discourse of human rights, known as a social evil (Naseem and Hafeez 2017).

## **2.2 Non-government methodologies and analysis**

### ***2.2.1 Pew Research Center***

Among the most widely cited estimates of levels of violations of religious freedom and trends are the Pew Research Center’s periodic assessments of religious restrictions around the world. The assessments draw on a careful and well-articulated methodology that relies on secondary sources, and which focus on monitoring and reporting on trends over time in violations.

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<sup>48</sup> [A detailed report on the methodology used for the 2017 report.](#)

<sup>49</sup> See [Islamophobia Observatory](#).

<sup>50</sup> See [12th Report on Islamophobia](#).

The Pew Research Center (a Washington DC-based think tank or, the term it uses, ‘fact tank’) began issuing annual quantitative reports on trends in religious freedom in 2009. The approach built on a methodology that Brian Grim and Professor Roger Finke developed while at Penn State University’s Association of Religion Data Archives (Grim and Finke 2006). The goals have been to devise quantifiable, objective, and transparent measures of the extent to which governments and societal groups impinge on the practice of religion and to rate countries and self-governing territories on two indexes that are reproducible and can be periodically updated. The purpose is to allow a finer-grained understanding of FoRB conditions within a given country. From 2012, the assessments aim to measure the extent to which governments (first) and societal groups (second) impinge on the practice of religion with ratings of countries and self-governing territories. In 2017, Pew issued a ten-year review that focused on the overall situation and on trends (Pew Research Center 2019).

The annual reports code narrative data from 20 government and NGO reports<sup>51</sup> into quantitative indicators to create a ‘systematic assessment and comparison of restrictions on religion worldwide’. Pew methodology is rigorous and transparent, based on social science, detailed in its annual reports. Pew has two ten-point indexes: the Government Restrictions Index (GRI) and the Social Hostilities Index (SHI). GRI measures how a government’s laws, policies, and concrete actions restrict religion in a given country while the SHI measures religion-related acts of hostility perpetrated by non-governmental actors and groups. The two indices each include several sub-categories. Report presentations are accompanied by well-designed graphs, charts, and tables.

The trends make clear that government restrictions and social hostilities are generally mutually reinforcing; GRI and SHI scores are generally roughly similar, with some outliers (e.g. China and Vietnam have ‘low’ or ‘moderate’ SHI but ‘very high’ GRI). Japan and Taiwan score ‘low’ in both indexes while Pakistan and Egypt score ‘very high’ on both. Several countries that actively promote FoRB as part of their foreign policy do not score high on religious tolerance domestically: Germany, Denmark, the UK, and the US have ‘high’ social hostilities involving religion and ‘moderate’ government restrictions, according to the Pew data (Birdsall and Beaman 2020).

Aggregating the country data makes possible analysis of FoRB conditions at the continental and global level. The MENA region, for example, has consistently ranked far worse than all other regions on both GRI and SHI, while the Americas rank lowest on both indexes. At the global level, the median SHI is 2.1 and the GRI is 2.8.

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<sup>51</sup> See [Pew Research Center website](#) for full account of methodology, from November 2020.

The Pew methodology relies on primary sources,<sup>52</sup> with a heavy weight to the US Department of State's annual reports on International Religious Freedom. Reports from independent NGOs and a variety of European and UN bodies are also used. Five coders consult the primary sources and two additional sources for the US (which is not included in the Department of State's annual reports on International Religious Freedom).<sup>53</sup> The Department of State's annual reports on International Religious Freedom are thus a major source. Other sources provide additional factual detail used to settle ambiguities, resolve contradictions, and help in the proper scoring of each question. Most countries and territories analysed by the Pew Research Center were multi-sourced; only small (predominantly island) countries had a single source, namely the Department of State reports. Pew Research Center staff generally found few cases in which one source contradicted another. When contradictions did arise the source that cited the most specific documentation is used. Pew coders (trained for the purpose) review sources for specific policies and actions and assign scores based on a series of standardised questions, which are then used to calculate index ratings.

The Pew rating system focuses on tracking trends. There is thus an effort to maintain the same sources and to stick generally to a specific set of questions. In relying on outside sources, Pew is limited to what is covered in the documents they choose to review, which are subject to their own methodological biases. The thresholds for various categories were set in Pew's inaugural 2009 report (using 2007 data) with the top 5 per cent of countries in the SHI and GRI indexes labelled as 'very high'. 'High' countries were the next 15 per cent, with GRI scores from 4.5 to 6.5 and SHI scores from 3.6 to 7.1. Pew kept this 2007 baseline in subsequent years. Thus, in the 2019 report, for all countries, a GRI of 6.6 or above was classified as 'very high', although 14 per cent of countries (27 of 198) fell into that classification as of 2017.

Pew researchers (in interview discussions) observed that if something is not in a document, they cannot code for it. This might indicate an improvement when there is

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<sup>52</sup> These are: (1) Country constitutions; (2) US State Department annual reports on International Religious Freedom; (3) US Commission on International Religious Freedom annual reports; (4) UN Special Rapporteur on Freedom of Religion or Belief reports; (5) Human Rights First reports in first and second years of coding; (Freedom House reports in subsequent years of coding); (6) Human Rights Watch topical reports; (7) International Crisis Group country reports; (8) United Kingdom Foreign and Commonwealth Office annual report on human rights; (9) Council of the European Union annual report on human rights; (10) Global Terrorism Database; (11) European Network Against Racism Shadow Reports; (12) United Nations High Commissioner for Refugees reports; (13) US State Department annual Country Reports on Terrorism; (14) Anti-Defamation League reports; (15) US State Department Country Reports on Human Rights Practices; (16) Uppsala University's Uppsala Conflict Data Program, Armed Conflict Database; (17) Human Rights Without Frontiers 'Freedom of Religion or Belief' newsletters. These are listed for 2013, but do not change by year. For further information, see [Methodology](#).

<sup>53</sup> See [Pew Research Center](#) website for 2018 list.

none. Their report's goal is not to measure religious freedom, but rather restrictions in a country. This focus on negative dynamics and developments may overlook improvements and thus fail to capture the entire picture of religious freedom or belief. Coding also restricts analysis and excludes systematic efforts to assess underlying value questions: no matter what the motivation, a restriction is coded as a restriction. The methodology nonetheless allows for more consistency between years and countries, which is thus more readily used for comparative purposes and tracking trends.

The Pew finding that 83 per cent of people live in countries with 'high' or 'very high' levels of religious restrictions (GRI or SHI) has been cited often, at times in ways that distort the topic (despite Pew's careful explanations and qualifications). Judd Birdsall and Lori Beaman (2020) explore the significance of these ratings, notably because they are so often employed in policy and activist discourse to paint a picture of 'a world ablaze with persecution', with more than eight in ten of the earth's inhabitants actively suffering for their beliefs. The figures do not purport to show the number of people who suffer directly, nor the degree.

The Birdsall/Beaman (2020) critique focuses on the way the figure is used as well as on its accuracy; many of the numbers resulting from the methodology are problematic in various respects. Pew's caveat follows the sentence with the 83 per cent figure directly. It is important to note, however, that these restrictions and hostilities do not necessarily affect the religious groups and citizens of these countries equally, as certain groups or individuals – especially religious minorities – may be targeted more frequently by these policies and actions than others.<sup>54</sup> It makes clear that the actual proportion of the world's population that is affected by high levels of religious restrictions may be considerably lower than 83 per cent.

The Birdsall/Beaman critique highlights scores that 'seem to defy lived experience'. Singapore's GRI rank, for example, was worse than Myanmar, Sudan, Brunei, and Pakistan. Russia was ranked above Egypt, Saudi Arabia, Vietnam, and Eritrea. Spain was in the 'high' bracket, above 'moderate' countries like Somalia, Libya, and Niger. Portugal, despite its cultural and legal similarities with Spain, was ranked 'low'. The US received a higher GRI score than Cambodia, Poland, and Cameroon, and was just three places below Hungary. The UK was ranked worse than Burundi and the Central African Republic. In the SHI sub-category (social hostilities related to religious norms), Germany was ranked

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<sup>54</sup> The [2020 Pew report on restrictions](#) highlights the global decade-long rise in government restrictions. In 2018, the global median level of government restrictions on religion – that is, laws, policies and actions by officials that impinge on religious beliefs and practices – continued to climb, reaching an all-time high since the Pew Research Center began tracking these trends in 2007.

worst in the world – above India and Somalia. France, Italy, and the UK were also ranked in the top ten. Israel was ranked above Afghanistan (the hostilities were very different: the Taliban threatened or killed disfavoured clerics while ultra-Orthodox Jews insulted and spat on taxi drivers working on the Sabbath). GRI and SHI scores have doubtful utility if they do not reflect common experience. Pew does caution that two countries with similar GRI scores ‘does not mean that the lived experience of someone in those two countries is similar with respect to government restrictions on religion’,<sup>55</sup> but including debatable incidents is problematic and highlights core problems with the methodology itself.

An example of how high figures are used, potentially polarising perceptions and undermining core understandings of the complex issues involved is President Trump’s September 2019 speech at the United Nations on religious freedom: ‘Regrettably, the religious freedom enjoyed by American citizens is rare in the world. Approximately 80 per cent of the world’s population live in countries where religious liberty is threatened, restricted, or even banned. And when I heard that number, I said, “Please go back and check it because it can’t possibly be correct”. And, sadly, it was. Eighty per cent’.<sup>56</sup>

### ***2.2.2 Religion and State database***

A different methodology is the Religion and State (RAS) project, led by Professor Jonathan Fox and located at Bar Ilan University in Ramat Gan, Israel.<sup>57</sup> A university-based project, it aims to create a set of measures that ‘systematically gauge the intersection between government and religion’, with a focus on government religion policy. The goals are: (a) to provide an accurate description of government religion policies worldwide; (b) to create a tool which will lead to greater understanding of the factors which influence government religion policy; and (c) to provide the means to examine how government religion policy influences other political, social, and economic factors as well as how those factors influence government religion policy.

Round 3 of the RAS data set, the official version currently available for download,

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<sup>55</sup> This is a qualification from the 2020 methodology materials on the [Pew Research Center website](#) that alludes to possible distortions: ‘Although the 198 countries and territories vary widely in size, population, wealth, ethnic diversity, religious makeup and form of government, the study does not attempt to adjust for such differences. Poor countries are not scored differently on the indexes than wealthy ones. Countries with diverse ethnic and religious populations are not “expected” to have more social hostilities than countries with more homogeneous populations. And democracies are not assessed more leniently or harshly than authoritarian regimes.’

<sup>56</sup> See [‘Remarks by President Trump at the United Nations Event on Religious Freedom’](#).

<sup>57</sup> See [the Religion and State project webpage](#).



measures the extent of government religion policy for 183 states and independent entities on a yearly basis between 1990 and 2014. All countries with populations of 250,000 or more as well as a sampling of smaller states are thus included. A new module on societal discrimination is also included. RAS includes the following information:

- **Official religion:** A 15 value variable which measures the official relationship between religion and the state. This includes five categories of official religions and nine categories of state–religion relationships which range from unofficial support for a single religion to overt hostility to all religion.
- **Religious support:** 52 separate variables which measure different ways a government can support religion including financial support, policies which enforce religious laws, and other forms of entanglement between government and religion.
- **Religious restrictions:** 29 separate variables which measure different ways governments regulate, restrict, or control all religions in the state including the majority religion. This includes restrictions on religion’s political role, restrictions on religious institutions, restrictions on religious practices, and other forms of regulation, control, and restrictions.
- **Religious discrimination:** 36 types of restrictions that are placed on religious institutions and practices of religious minorities that are not placed on the majority group. This includes restrictions on religious practices, restrictions on religious institutions and clergy, restrictions on conversion and proselytising, and other restrictions.
- The data set includes several sets of detailed variables measuring certain policies in depth. These topics include religious education, the registration of religious organisations, restrictions on abortion, restrictions on proselytising, and religious requirements for holding public office or citizenship.
- **Societal discrimination:** 27 types of actions taken against religious minorities by actors in society who do not represent the government. This includes economic discrimination, speech acts, property crimes, nonviolent harassment, and violence.
- **Minority societal actions:** This includes five types of acts taken by minorities against the majority group or other minorities (coded separately) including violence, terrorism, harassment, and vandalism.<sup>58</sup>

Drawing on this data and on earlier research,<sup>59</sup> Fox explores what he terms the contested

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<sup>58</sup> *Ibid.*

<sup>59</sup> See, notably, Fox (2020a).

understandings of religious freedom, arguing in essence that many understandings are contradictory and that few meet commonly employed standards.

In his contextual analysis of FoRB respect and violations, Fox (2020a) examines several categories:

- (i) **Free exercise of religion:** (he relates this to the US constitution's first amendment), governments may not restrict the free practice of religion including the right to create and manage independent religious institutions. It does not limit enforcing religious laws which do not directly contradict the religion of a minority.
- (ii) **Bans on religious persecution and repression:** all freedoms included in the free exercise conception and a ban on any form of restriction specifically on religious minorities.
- (iii) **Religious tolerance:** giving equal rights to religious minorities. In the context of religious freedom, this means to guarantee the same rights and freedoms to religious minorities as are granted to the majority.
- (iv) **Absolute separationism:** This would ban any government entanglement with religion: the government may neither support nor restrict religion in any way. This model (the US is considered the archetype), requires separation of religion and state but not separation of religion and politics.
- (v) **Neutrality:** This focuses on equal treatment for all religions: a 'level playing field'. Government must support all religions equally. If one religion receives a form of support so must all the others. Selective support puts the non-supported religion at a disadvantage.
- (vi) **Laicism:** This (from France's religion policy) is perhaps the most extreme type of secularism found in democracies, forbidding state support for any religion and restricting expressions of religion in public. Religion is considered a private matter that should not intrude into the secular public sphere.

Fox's analysis and data set are rigorous and provide more granular measures of different forms of restrictions than other methodologies commonly in use. They have wide and systematic country coverage. The underlying analysis and bold conclusion as to the wide limitations on 'total' religious freedom highlighting internal contradictions are telling.

RAS is widely used, especially in academia (it was designed primarily for academic research). It is a useful methodology, especially supporting comparisons across numerous cases and highlighting patterns. However, as with any large data set, distinctive features of each case and context tend to be lost (a classic trade-off between quantitative and qualitative methodology). Fox identifies unexpected trends; for example,

patterns of discrimination against specific religious communities differ from common stereotypes and expectations, with relatively high levels of discrimination in some Christian-majority countries that pride themselves on respect for human rights as well as differing levels of discrimination among religious groups (Fox 2020b, 2016). This underscores the diversity and complexity of state/religion relationships and the difficulty in attaining the often assumed ideal of FoRB.<sup>60</sup> The methodology provides a framework both for operational analysis and dialogue about the rationale and justification for different forms of restrictions.

## 2.3 Methodologies relying on primary sources

### 2.3.1 *Open Doors*<sup>61</sup>

World Watch Research (WWR), the research unit of Open Doors,<sup>62</sup> annually prepares a World Watch List, which reports and ranks global persecution of Christians. It thus represents a methodology used by a non-state actor. WWR<sup>63</sup> has gathered data about different types of hostilities against Christians for many years, using it as guidance for Open Doors' (OD) fieldwork as well as by OD Development Offices, mainly to sensitise their Christian constituencies, and encourage them to pray and give financial support for the 'persecuted Church'. Other religious freedom professionals are an additional audience. OD Development Offices have broadened their reach in recent years toward the secular public, with their data used widely in the political sphere, at national and international levels. OD data analysis points to patterns of gender-specific persecution.

The annual World Watch List is a comprehensive annual research project on the status of freedom of religion worldwide. It is focused on measuring the situation of Christians<sup>64</sup> and

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<sup>60</sup> Direct or indirect discrimination linked to an individual's or a community's religion or belief is contrary to international human rights law; from the perspective of the individual or community involved, understanding the ultimate motivation of the discriminating party may seem irrelevant.

<sup>61</sup> Draws on a draft paper by Dr Matthew Rees, Dr Thomas Müller and Frans Veerman, 'Highlighting the Dark Corners of Persecution'.

<sup>62</sup> Open Doors is an international, Christian, non-denominational charity founded in 1955 to support persecuted Christians.

<sup>63</sup> World Watch Research is the research department of Open Doors International, but free in its findings and results, which are presented at [Open Doors Analytical](#) (Password: freedom).

<sup>64</sup> On the question if and how freedom of religion can be measured at all, comparing different options, see Hoffmann (2017).

published as a ranking of 73 countries<sup>65</sup> with corresponding country dossiers,<sup>66</sup> detailing the situation of Christians in each country. The underlying research follows a detailed methodology,<sup>67</sup> which has at its heart a questionnaire with 84 questions grouped in six spheres (five spheres of life and violence). Spheres of life follow the shape of freedom of religion as guaranteed in Article 18 of the UDHR and ICCPR: **Private life** (in freedom of religion terminology mainly: *forum internum*), **Family life**, **Community life**, **National life**, and **Church life** (comprising the collective dimension of freedom of religion). The analysis is grounded in a good understanding of any given country. Systemic questions about a country's persecution engines, drivers of persecution, and categories of Christian communities convey a sense of the situation on the ground.

WWR categorises nine persecution engines (in practice, these often occur in blended ways, but one engine is usually dominant): **Islamic oppression**, **Religious nationalism**, **Ethno-religious hostility**, **Clan oppression**, **Christian denominational protectionism**, **Communist and post-Communist oppression**, **Secular intolerance**, **Dictatorial paranoia**, and **Organised Corruption and Crime**. WWR has also developed a list of 12 drivers, including not just typical actors of persecution, such as state authorities and religious radical groups, but also groups such as political parties, ordinary citizens, or one's own (extended) family. As with the engines, more than one driver of persecution is usually active, producing a 'persecution matrix'. Four categories of Christian communities are typified: communities of expatriate Christians (including migrant workers), historical Christian communities and/or government-controlled churches, converts to Christianity, and non-traditional Christian communities. In any given country, different engines and persecutors targeting different categories of Christian communities are the focus. This can vary by region, adding further layers of complexity.<sup>68</sup>

Experts who are independent of OD, OD field staff, and the WWR analysts are the respondents to the questionnaire. Answers feed into a scoring process and finally into production of the World Watch List. Country dossiers reflect their insights, thus presenting a picture of persecution. The complete World Watch List 2020 documentation encompasses approximately 2,500 pages.<sup>69</sup> Questionnaires are completed by key contacts

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<sup>65</sup> It is 73 countries for World Watch List 2020, but this can vary as all countries are included which cross the threshold of scoring 41 points or more. See [WWR 2020: Compilation of All Main Documents](#).

<sup>66</sup> [Open Doors Analytical: Country Dossiers](#) (last accessed 18 April 2020). See also [How the Scoring Works](#).

<sup>67</sup> See [Watch List Documentation](#), sub-section methodology (last accessed 18 April 2020).

<sup>68</sup> For example, see the Country Dossiers on [Ethiopia](#); [Myanmar](#); or [China](#) (last accessed 18 April 2020).

<sup>69</sup> Including articles on trends, violence, statistics, and an audit statement.

in countries who gather data in various ways, drawing on different networks. The data-gathering process thus has a 'grass-roots' character. The field stream questionnaire, together with input from several external experts who provide a cross-check for the results, form the basis for the country scores. The persecution analysts of WWR then put all the information together, giving feedback to the respondents and following up their responses.

This method of data-gathering is in large measure at the discretion of those gathering the information. Reliance on 'key contacts' and the various approaches for obtaining data from them provides flexibility and 'listens to' local voices. However, lack of standardisation makes the results hard to generalise and compare. Relying on 'key contacts' (whose selection is not clearly defined) may give an incomplete view of a country. Furthermore, the questionnaire, on which scoring is based, is not always used.

WWR monitors Christian persecution using a three-step approach: first, information gathered online (Global Country Scan); second, a short questionnaire (World Watch Survey or Vulnerability Assessment Tool); and then the longer questionnaire. For data verification, external experts and OD crosscheck the completed questionnaires. The final results are audited every year by the International Institute for Religious Freedom (IIRF). The resulting report has specific scores for different 'persecution profiles' and a short country overview and 'prayer points'.

### ***2.3.2 Minority Rights Group (MRG)<sup>70</sup>***

Minority Rights Group (MRG), a relatively small organisation with around 40 staff and a 50-year history, has a focused mandate: 'to secure the rights of minority and indigenous communities around the world and to improve cooperation between communities' (Thomas 2009). It works to empower minority and indigenous communities to be aware of and to demand fulfilment of their rights to equality in all areas of life. Activities include training minority activists, and support for advocacy campaigns and legal cases to bring about policy changes and implementation. While MRG is primarily a human rights organisation, it works in an interdisciplinary fashion, drawing on knowledge and experience of international development, conflict prevention and resolution, and diversity and equity. Its primary focus is not on FoRB per se, but the topic is woven through its analysis and work.

MRG has produced a World Directory of Minorities and Indigenous Peoples, with profiles of minority communities in all countries. It has also published reports, formerly annually,

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<sup>70</sup> See Madsen (2005) and MRG (2020).

such as the State of the World's Minorities and Indigenous Peoples, and an annual index, *Peoples Under Threat*, ranking countries according to the degree of physical danger facing communities.<sup>71</sup> Current publications focus on trend analysis. The online directory of minorities and indigenous peoples grew out of MRG's encyclopaedic *World Directory of Minorities*, which was first published in 1990 and updated and expanded in 1997. It has been restructured into database format, updated, and expanded. The full text is available, geared to all with an interest in any aspect of minorities and indigenous peoples, their rights, and their historical, political or geographical context.

The MRG website observes that obtaining accurate statistics on the size of minority populations is difficult. Many states do not disaggregate data on ethnic grounds, for a variety of historical and political reasons, and many lack reliable or up-to-date census figures. Estimates and sources are provided as far as possible, relying on widely cited and reputable publications. However, where there are genuinely no official figures available, MRG falls back on widely circulated estimates. MRG endeavours to identify the sources of statistics it uses in its work. MRG thus engages the methodological challenges of assembling reliable information about groups where information is difficult to obtain.

Identifying situations most likely to lead to genocide or mass killing has been an MRG objective, especially since the 1994 Rwandan genocide. MRG draws on comparative studies of the factors preceding historic episodes of political mass killing, including quantitative longitudinal analysis to allow the testing of different causal hypotheses. Professor Barbara Harff, a senior consultant with the US State Failure Task Force, developed a model that identifies six preconditions that make it possible to distinguish, with 74 per cent accuracy, between internal wars and regime collapses in the 1955–97 period, those that did, and those that did not, lead to genocide and political mass murder (politicide): political upheaval; previous genocides or politicides; exclusionary ideology of the ruling elite; autocratic nature of the regime; minority character of the ruling elite; and low trade openness. MRG then constructs the *Peoples Under Threat* table, specifically designed to identify the risk of genocide, mass killing, or other systematic violent repression. This differs from most other early warning tools, which focus on violent conflict as such. Its primary application is civilian protection. The table includes indicators of conflict, as most, although not all, episodes of mass ethnic or religious killing occur during armed conflicts. War provides the state of emergency, domestic mobilisation and justification, international cover, and in some cases the military and logistic capacity, that enable massacres to be carried out. Some massacres, however, occur in peacetime, or may accompany armed conflict from its inception, presenting a problem to risk models

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<sup>71</sup> See [World Directory of Minorities and Indigenous Peoples](#), [State of the World's Minorities and Indigenous Peoples](#), and [Peoples Under Threat](#).

that focus exclusively on current conflicts. Severe and even violent repression of minorities may occur for years before the onset of armed conflict provides the catalyst for larger-scale killing.

Governments or militias connected to the government are responsible for most cases of genocidal violence, so the state is the basic unit of enquiry. Statistical indicators used all relate to the state, rather than particular ethnic or religious groups at risk. Formally, the state will reserve to itself the monopoly over the means of violence; where non-state actors are responsible for widespread or continued killing, it usually occurs with either the state's complicity, or, in a 'failed state' situation, where the rule of law has disintegrated. Certain state characteristics greatly increase the likelihood of atrocity: habituation to illegal violence among the armed forces or police, prevailing impunity for human rights violations, official tolerance or encouragement of hate speech against particular groups, and in extreme cases, prior experience of mass killing. Egregious episodes of mass killing targeted principally at one group also involve other groups deliberately decimated or destroyed.

MRG has identified groups in each state which they believe to be under most threat, though other groups or indeed the general population may also be at some risk. These are most often minority groups, though in some cases ethnic or religious majorities will also be at risk, and the table lists them in relevant cases. In some cases, all groups in the country are at risk of ethnic or sectarian killing. Various studies have tested and discarded the general level of ethnic or cultural diversity in a society as a significant indicator, but neither pattern of ethnic diversity that Professor Harff has tested showed any effect on the likelihood of mass killing (the minority character of the ruling elite does appear significant). Research on relationships between diversity and conflict support these findings.

The overall measure is based on a basket of ten indicators that include indicators of democracy or good governance from the World Bank, conflict indicators from the Center for Systemic Peace and other leading global conflict research institutes, indicators of group division or elite factionalisation (Fund for Peace and the Carnegie Endowment for International Peace), the State Failure Task Force data on prior genocides and politicides, and the country credit risk classification published by the OECD (as a proxy for trade openness). The methodology used is detailed in *State of the World's Minorities 2006* (MRG 2005).

### ***2.3.3 Jehovah's Witnesses (JW)***

The Jehovah's Witnesses have developed broad mechanisms to record FoRB-related crimes, with the primary goal of care for their members; they do not attempt broader monitoring of trends among reported violations. Recording is done by all 86 JW branches, worldwide. Each branch monitors any human rights abuses committed against fellow believers in any given country, recording all physical acts of violence, verbal threats of physical abuse or death threats, and acts of vandalism on houses of worship. General insults to their faith or to a person are not recorded. The data thus comes from JW sources, with staff of JW's Office of Public Information trained to monitor human rights violations. Local congregations are expected to inform the local office when incidents occur. Recording and review of files is done manually; for example, in Russia, violations of the right to FoRB began in the early 1990s and are ramping up continuously. JW keeps a close record of who is in prison, in pretrial detention, or not able to leave their hometown and on some sort of restrictions.<sup>72</sup>

### ***2.3.4 The Religious Freedom Institute***

The Religious Freedom Institute (RFI), a Washington DC-based think tank, conducts a limited survey focused on ministries of foreign affairs; it does not address specifically the topic of violations of FoRB. Members of the International Contact Group on Freedom of Religion or Belief (ICG) are asked to respond to a survey asking about the extent of their international religious freedom policy, advocacy, and programming activities. RFI's 2019 report *Surveying the Landscape of International Religious Freedom Policy* drew on a survey from November 2018 through spring 2019, though a significant number of ICG members did not respond.<sup>73</sup>

## **2.4 Observatories and media monitoring methods**

### ***2.4.1 General observations***

Various initiatives aim to monitor and report on religious violence or on related aspects of pluralism, observing incidents as they happen and following closely the media, especially online. Facing resource and/or technology restraints, some observatories monitor and map media retrospectively. New monitoring projects have entered the field in the past few years, using new technologies, such as artificial intelligence (AI) or machine learning, and relying increasingly on online sources. This shift, particularly in measuring hate

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<sup>72</sup> See [Russia: Escalating Persecution of Jehovah's Witnesses](#).

<sup>73</sup> [Surveying the Landscape of International Religious Freedom Policy](#).



speech, reflects the sharply increasing roles of digital media sources in early warning efforts, detecting and measuring incitements to violence as their influence grows. Among the strengths of active ‘live’ monitoring, over or under exaggerated trends can be identified: a country may limit, censor, or manipulate records, the media, or other publicly available information, while over-reporting in freer-access countries may saturate and thus distort impressions. Under-reporting in countries with more repressive governments can obscure important trends by diluting data or curtailing the information available. Headline-capturing news may not reflect the most significant or ubiquitous happenings in a region – more divisive, controversial, or politically charged events may attract more media or research attention than is reflective of their relative scale.

#### ***2.4.2 The Centre for the Analysis of Social Media (CASM)***

CASM is a joint venture between the University of Sussex and Demos, a think tank.<sup>74</sup> Its online big data research uses machine learning software for continuous live monitoring of social media for hateful, xenophobic, anti-disability, anti-Semitic, and anti-Islamic speech. CASM uses a technology platform, Method52, developed in cooperation with the University of Sussex, that allows ‘non-technical researchers to analyse very large data sets like Twitter’, monitoring speech that is Islamophobic, derogatory, or hateful on social media platforms like Twitter. Islamophobic speech, for example, increased noticeably in the aftermath of terror attacks (Miller, Smith and Dale 2016). For the purposes of the project, Method52 collected tweets from Twitter’s ‘Application Programming Interfaces’ (APIs):

Method52 allows researchers to train algorithms to split apart (‘to classify’) Tweets into categories, according to the meaning of the Tweet, and on the basis of the text they contain. To do this, it uses a technology called natural language processing. Natural language processing is a branch of artificial intelligence research, and combines approaches developed in the fields of computer science, applied mathematics, and linguistics. An analyst ‘marks up’ which category he or she considers a tweet to fall into, and this ‘teaches’ the algorithm to spot patterns in the language use associated with each category chosen. The algorithm looks for statistical correlations between the language used and the categories assigned to determine the extent to which words and bigrams are indicative of the predefined categories. (*ibid*: 16)

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<sup>74</sup> See the [Demos website](#).

### ***2.4.3 Arab Barometer***

A nonpartisan research network produces the Arab Barometer, using public opinion surveys and quantitative research in MENA countries, to ‘provide insight into the social, political, and economic attitudes and values of ordinary citizens across the Arab world’.<sup>75</sup> The mission is to allow the views and voices of ‘ordinary Arab citizens... to inform national conversations and policy debates’. The Arab Barometer does not explicitly or systematically cover religious minorities or religious freedom, but the issues arise in various ways in the course of survey work.

Arab Barometer has conducted surveys since 2006, at least once in 15 countries. Surveys were conducted face-to-face in the respondent’s place of residence. Respondents must be non-institutionalised and aged 18 or over. Each country surveyed includes about 2,400 respondents. The error margin for surveys is +/-3%. Sampling limitations are acknowledged: ‘By necessity, it does not include some citizens who are inaccessible, including those who are in hospitals, care homes, or other collective living arrangements such as halls or live at military bases, or are inmates in the country’s prisons. In some cases, small populations living in remote areas of the country are excluded from the sample.’ Sampling strategy varies by country but ‘it is a requirement that probability samples are drawn’. Multistage sampling methods are normally applied, based on stratification to better represent certain homogenous groups within a population. The first to third waves used Paper and Pencil Interviewing (PAPI); the fourth wave used a multiple mode design, with some countries switching to Computer Assisted Personal Interviewing (CAPI), with the fifth wave (current) almost exclusively relying on CAPI. Interviewers are trained and tested prior to fieldwork and overseen by regional hubs and local team leaders. Supervisors sometimes sit in on interviews for assurance. Quality-control checks after fieldwork are done with software to detect duplicate observations and ‘sophisticated tests look for unusual patterns in the data or paradata’.

### ***2.4.4 Latin American Observatory***

The mission of the Observatory of Religious Freedom in Latin America (OLIRE),<sup>76</sup> a research, training, and advocacy programme, is to promote religious freedom on the continent, following CCPR General Comment No. 22 of Article 18 of the UDHR and Article

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<sup>75</sup> See the [Arab Barometer website](#).

<sup>76</sup> [See the OLIRE website](#).

12 of the American Convention on Human Rights.<sup>77</sup> Religious freedom is seen as a broad and multidimensional concept that needs to be protected in all spheres of society. Religious freedom is much more than freedom of worship: it involves the freedom to live and express one's religion individually and collectively in the family sphere, the school sphere, the business sphere, and the cultural sphere. Restrictions on religious expression in any sphere of society, whether caused by state or non-state actors, are restrictions on religious freedom. Latin American societies have made much progress in recent years, but challenges remain, particularly related to the enforcement of religious freedom in some areas. Principles include the view that religious persons and organisations are entitled to participate actively in public debate without any restriction, like any other civil society organisation, as long as they do not seek to impose their views on the rest of society. State institutions must not be subordinated to religious institutions.

OLIRE's activities include:

- **Monitoring:** OLIRE monitors the state of religious freedom in the region by documenting incidents of violation of religious freedom, and investigating the structural conditions that threaten it.
- **Empowering:** Through training individuals or organisations, especially religious minorities, OLIRE promotes a greater understanding of the right to religious freedom and awareness of how to defend it.
- **Influencing:** OLIRE carries out advocacy efforts by developing public policy recommendations for the effective protection of religious freedom, especially of religious minorities in different areas and at all levels. It uses resources such as presentations to public and private entities, podcasts, interviews, as well as other means that allow us to inform decision makers.

#### **2.4.5 eMORE**

The eMORE Project (the Peace Institute) has supported the development and improvement of efficient monitoring and reporting mechanisms for online hate speech and hate crimes, seeking to integrate monitoring and reporting tools into 'a joint innovative knowledge model'.<sup>78</sup> The two-year, EU-funded project was transnational, with

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<sup>77</sup> See *CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)* and the [American Convention on Human Rights](#).

<sup>78</sup> See [eMORE: Monitoring and Reporting Online Hate Speech in Europe](#) and a [description of the eMORE Project](#).

a broad definition of hate crime that includes gender hostility and hate offences motivated by race, religion, sexual orientation, and disability.

eMORE consists of a crawler for monitoring online hate speech and an app for reporting offline and online hate crime and speech in Europe. The app demonstrates how new technologies are employed to understand and share data. eMORE has worked with nine project partners, who collect data independently and create individual project reports on their own country, to create a common database crawler and multi-level report tool app. Cases are reported by citizens who have experienced or witnessed incidents of hate speech, and by citizens and organisations actively working in the field. Findings from the crawler and app, quantitative and qualitative results, are analysed by country. eMORE acknowledges that country differences require the application of percentages to initial data for consistency and cross-country comparisons and that limited accessibility to the internet in some countries may influence results. As online media is evolving constantly, the technologies involved are adjusted frequently. Research guidelines are still being developed, and methods must be flexible. Initial results are influenced by the background and expertise of eMORE partners as well as the varying availability and quality/reliability of data per country. The project appears to offer a high level of transparency and adaptability.

#### ***2.4.6 The Observatory on Radicalisation and Counter-Terrorism (REACT Observatory)***

The REACT Observatory is a joint initiative between a Swiss company START InSight (Lugano), Centro di ricerca ITSTIME (Università Cattolica in Milan), Link Campus University (Rome), Centro di Ricerca CEMAS (Università La Sapienza, Rome), and SIOI (Rome).<sup>79</sup> It combines research, analysis, editorial production, training, communication, consulting services, and network-building. The aim is to facilitate 'a proficient exchange of skills, knowledge and understanding of geopolitical and security issues and to build a sound international cooperation network'. The focus is on the Mediterranean, the Arab and Islamic worlds, on conflicts, radicalisation and terrorism contexts, security (micro and macro levels), and European defence policies. It interacts with researchers, experts, the media, legislators, private companies and the general public, with a view to discussing and offering useful perspectives which can be modelled on different clients' interests and necessities, be it public, private, or academic institutions and companies. The project is headquartered in Lugano (Switzerland) and operates in Turin and Rome.

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<sup>79</sup> For further information, see the [REACT Observatory website](#).

#### ***2.4.7 Syrian Center for Media and Freedom of Expression (SCM) Hate and Violence Speech Observatory***

The Syrian Center for Media and Freedom of Expression (SCM) responds to the sharp rise in the use of hate speech, incitement to violence and terrorism, and sectarian incitement and discrimination against women and marginalised groups in Syrian media since 2011. The study began in 2017 and has collected primary data using quota sampling over the course of one week, 24–30 May 2018, by monitoring the media to determine which types use the most hate speech and incitements to violence, separated by press, audio or visual and political orientation (pro-regime, pro-opposition, and Kurdish). The study uses a Descriptive Analytical Method, which incorporates both qualitative descriptions and quantitative scales of phenomena studied. Unlike other studies and observatories that monitor incidents as they happen, this study was limited to secondary data collected in past studies and one week of real-time monitoring.

The study encountered several difficulties in monitoring media, including disparities in rates of publishing and politically oriented media, highlighting challenges with monitoring approaches in countries whose regimes may censor, manipulate, or contribute to bias in the media. It relied on the Syrian Arab News Agency (SANA) for its content. The study reflects the recent emphasis on early warning systems to recognise incitements to violence, and the significance of media in proliferating hate speech.

### **2.5 Citizen reporting and reporting platforms**

Many monitoring tools overlap or are accompanied by self-reporting platforms. These methods complement one another, with both relying heavily on local groups and individual voices rather than larger surveys or reports relying on international and government institutions. Self-reported data or data obtained through interviews may be limited by distrust or confidentiality concerns.

#### ***2.5.1 The CIVICUS Monitor***

This interactive online portal<sup>80</sup> tracks civil society conditions in 196 countries, integrating information from civil society organisations and activists to create country ratings as they are assessed over time. Unlike many other tools or ranking systems, CIVICUS gives local groups a platform and voice, often missing from international indices and reports. It is sensitive to rapid changes occurring in civil society by incorporating input from users of the site in the analysis. It combines qualitative and quantitative data, using 'updated ratings from civil society organisations and reports from national, regional, and

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<sup>80</sup> See the [CIVICUS website](#).

international civil society organisations. These external analyses are then paired with CIVICUS' own analysis to arrive at country ratings for all assessed countries and territories.<sup>7</sup> To verify the strength of data sources and analysis, an independent panel of experts evaluates country ratings. Actions that violate religious rights are a frequent topic in reports but there is no systematic approach to this aspect.

## **2.6 Monitoring specific to a country or community**

Review programmes, methodologies, and pertinent reports often focus on specific countries (Iraq, Russia), regions (Southeast Asia, the Sahel), religious communities (Muslims, Baha'is), or especially vulnerable groups (Yazidis, Nigeria's Middle Belt Christians, Shia Muslims in the Gulf). The approaches aim to provide in-depth analysis of specific situations, reflected in reports. Two recent examples are the 2019 commission headed by the Bishop of Truro (Mountstephen 2019) for the UK Foreign and Commonwealth Office (FCO) on Persecuted Christians, and analysis by Daniel Philpott (2019) of religious freedom in the world's Muslim majority countries. These illustrate the need, beyond broad indices and comparative assessments, to delve into the details of each situation, with robust and contextualised approaches and, invariably, efforts to compensate in various ways for patchy and often missing data. A few illustrative examples are highlighted below.

### ***2.6.1 Tolerance and Diversity Institute (TDI)***

The Tolerance and Diversity Institute (TDI), an NGO in Georgia, was established with multiple purposes: to 'foster religious freedom and tolerance in Georgia; facilitate civic engagement; promote multiculturalism, secular principles and the idea of espousing state neutrality in the field of religion; enhance networking and policy dialogue between religious minority communities and the government; strengthen capacities of religious minority organizations in the field of advocacy and counteraction to discrimination; research and monitor state policy on the protection of minority rights.'<sup>81</sup> TDI states that it does not have thorough methodology for identifying hate crimes or a way to record them. However, TDI's database on such cases is linked to its legal aid work, for which TDI's data collection methods were designed.

Trust is an important and proactive element of TDI's work with different organisations, making it possible to obtain relevant information. Religious leaders and organisations are the channel for most reports on abuses, and TDI also follows up on cases reported in the media. TDI has worked closely with the Jehovah's Witnesses, drawing on their system of

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<sup>81</sup> See [TDI website](#).

recording and reporting hate crimes. TDI receives information about hate crimes from JW about the investigation process, and TDI assists with advocacy. However, when it comes to other crimes against other religious organisations – for example, against Muslims in 2012 and 2016 – the cases were publicised in the media. TDI also works with Muslim religious leaders.

TDI periodically requests information from the Ministry of Interior or the Prosecutor's Office, to follow up on relevant cases, check progress, and give recommendations on follow-up. This aspect of its work (securing information through official channels) is challenging, and information often arrives late or is too generic to be much help. TDI requests state statistics on hate crime on an annual basis, whether racial, ethnic, or religious. The information is presented in ways that do not allow TDI to distinguish between the different kinds of hate crimes. There are gaps in data and questions as to its validity: active investigations are recorded rather than reported crimes. The government lacks a hate crime recording database, though efforts are under way to establish one, with support from international partners, including the Council of Europe.

A special unit within the Ministry of Interior, the human rights department, is in charge of monitoring hate crimes. While TDI can identify issues and communicate about individual cases, the unit lacks a systemic approach that would enable the NGO to gain a better picture of the situation more broadly.

### ***2.6.2 Religious Freedom Monitoring Network Project***

The Religious Freedom Monitoring Network Project utilises an entirely Russian independent monitoring network to cultivate interreligious dialogue and monitor the observance of the rights of believers in Russia. Monitoring the scale of persecution is difficult, as it is often hidden by state authorities, and information is obtained from internal networks: 'Church leaders, out of fear of spoiling relations with the authorities, publish only the most egregious cases of unlawful pressure, trying to resolve less dramatic situations through behind-the-scenes arrangements. Independent networks make it possible to give an objective impression of the true situation in the country in the field of religious freedom. A feature of the network is its reliance on basic congregations and pastors with whom direct contacts are built. They are thus able to provide the collection and processing of information not from online media or local media, but through direct interviews and field studies. By working with local congregations, the hope is to identify human rights and religious freedom violations that did not make headlines and are unavailable to other human rights organisations. However, the results of the

study are still unclear, and therefore the empirical successes or limitations of this approach are difficult to assess as yet.<sup>82</sup>

### **2.6.3 Centre for Media Monitoring (CfMM)**

The Centre for Media Monitoring (CfMM), a project of the Muslim Council of Britain launched in July 2019, publishes quarterly reports on the state of media reporting on Islam and Muslims. It aims to improve the quality of reporting by engaging constructively. CfMM monitors all main British media outlets, including 31 online platforms and five broadcasters. Its monitoring focuses on 50 chosen words relating to Islam and Muslims (in their various spelling and plurals). The data thus obtained are further analysed against five metrics: 'association with negative aspects or behaviour, misrepresentation, generalisations, lack of due prominence to a Muslim voice or identity, issues with imagery or headlines' (Hanif 2019: 4). CfMM rates each item for bias. CfMM acknowledges that 'there are limitations as well as elements of subjectivity. However, with the guidance of experts, the process has been designed to be as objective, and exhaustive, as is reasonably possible' (*ibid.*). As an example of CfMM's work, its report covering the period October to December 2018 analysed 10,931 articles: findings revealed that 59 per cent of all articles analysed associated Muslims with negative behaviours, with over a third of all articles generalising or misrepresenting Muslims (*ibid.*: 5).

### **2.6.4 The Community Security Trust (CST)**

The Community Security Trust (CST), a charity representing the Jewish community in the UK on matters of anti-Semitism, policing, and security, publishes annual reports on its findings of anti-Semitic incidents. CST indicates that such incidents are reported by victims, witnesses, or by someone acting on their behalf, and in various ways; for example, by telephone, email, post, using the CST website or social media platforms, or in person (CST 2020: 11). CST clarifies that after an incident is reported to CST, if there is no evidence of anti-Semitic motivation, language or targeting, CST would not record it as antisemitic. CST recognises six categories of anti-Semitic incidents: extreme violence, assault, damage and desecration of property, threats, abusive behaviour, and anti-Semitic literature (*ibid.*: 15).

In 2019, CST recorded 1,805 anti-Semitic incidents in the UK, 7 per cent higher than in 2018 (*ibid.*: 4). Among them, CST recorded 157 incidents as assaults, with an increase of 27% from 2018. CST's recording system allows them to break down numbers by category, but also into more specific details, such as the type of assault, for example: In 44 of the 157 anti-Semitic assaults recorded in 2019, the perpetrators punched or kicked

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<sup>82</sup> Email discussions: Ewelina Ochab with Pavel Levushkan.



their victims. There were 19 occurrences of an object being thrown at a Jewish person from a vehicle, and 17 instances involving eggs being thrown. Ten incidents involved spitting and a miscellaneous weapon was employed six times. The physical attack was accompanied by an element of verbal abuse in 85 instances, and by threatening language in 13 (*ibid.*: 16).

CST drew on *Antisemitism in Contemporary Great Britain. A Study of Attitudes towards Jews and Israel*, which was based on a 2016/17 survey of anti-Semitic and anti-Israel attitudes (Staetsky 2017: 67). The survey was developed by the Institute for Jewish Policy Research, in cooperation with CST, the Antisemitism Policy Trust, and Ipsos MORI. Fieldwork was carried out by Ipsos MORI, with data analysis by the Institute for Jewish Policy Research. Some 2,003 individuals were interviewed face to face and 2,002 online (out of a voluntary panel of approximately 220,000 members who agreed to take part in market research) (*ibid.*).

### **2.6.5 Tell MAMA**

Tell MAMA is an independent, UK-based NGO working to tackle anti-Muslim hatred. Its work 'is not influenced or wholly shaped by Government', though it works with the central government to raise the issues of anti-Muslim hatred at a policy level. The aim is to shape and inform policymakers, whilst ensuring that insights are brought to the topic through the systematic recording and reporting of anti-Muslim hate incidents and crimes. Measuring Anti-Muslim Attacks (MAMA) is 'a secure and reliable service that allows people from across England to report any form of Anti-Muslim abuse'. The organisation comments: 'We have created a unique portal where you may address your concerns and record any incident that you experience as a result of your Muslim faith or someone perceiving you to be Muslim. By using our "Submit a Report" section, you can describe the details of the abuse you suffered, whether verbal or physical, and then add in the location of the attack so that we can effectively map incidents across England. We can also refer you for support through partner agencies if you have been a victim of an Anti-Muslim incident.'<sup>83</sup>

The approach relies on incident reports of abuse submitted through a website or various social media platforms. Caseworkers verify all information with the person who submitted the report. Researchers then analyse trends and content. The programme aims to support victims, the primary source of incident reports. However, working with police forces to provide support may deter some individuals who distrust police from reporting or seeking support from Tell MAMA. The primary methodological challenge associated

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<sup>83</sup> [See the Tell MAMA website.](#)

with this self-reporting is accounting for gaps. Incidents may go unreported for fear of speaking out, lack of awareness of services, or mistrust of public services or police forces. The availability of some information also depends on what is disclosed and whether victims have consented to the information being included in reports. Along with trust concerns, reporting may be limited by a lack of awareness of the programme, particularly in target communities. In 2018, 1,282 reports were submitted to Tell MAMA, 1,072 of which were verified, and 1,891 anti-Muslim incidents were reported by UK police forces. Growing awareness of Tell MAMA in Muslim communities, and among key stakeholders and partners, has resulted in a greater willingness amongst victims and witnesses to report.

## 2.7 Methodologies focused on long-term trends

### *2.7.1 USHMM Early Warning Project's Annual Statistical Risk Assessment<sup>84</sup>*

Substantial efforts have gone to developing the Early Warning Project, a joint initiative of the Simon-Skjodt Center for the Prevention of Genocide at the United States Holocaust Memorial Museum and the Dickey Center for International Understanding at Dartmouth College. Launched in 2015, the project's core goal is to contribute to the prevention of genocide and mass atrocities. The first public early warning system for mass atrocities, it aims to provide governments, civil society groups, and other influential actors with early and reliable warnings of mass atrocities and thus greater opportunities to take preventive action. Specific goals are to improve the quality and depth of discussions about risks of genocide and mass atrocities and the ongoing need for prevention policies, both in particular countries and globally, and to advance the science of early warning for mass atrocities.

The Early Warning Project looks to early signs of mass killing, defined as over 1,000 non-combatant fatalities, targeted as part of a specific group, over a period of one year or less. Parameters around what constitutes a combatant are needed (e.g. gang members, violent protesters = combatants, peaceful protests = non-combatants) and against which specific group).<sup>85</sup> Data sources are updated annually and go back to 1945 for state-led mass killings or to 1989 for non-state led, covering all countries. It uses 34 variables from 11 data sources to generate their statistical risk assessment. One variable is a 0-4 ranking for religious freedom from Varieties of Democracy (V-Dem). There is also a variable for social group equity from V-DEM.

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<sup>84</sup> See [USHMM Early Warning Project's Annual Statistical Risk Assessment](#).

<sup>85</sup> See [definitions on the Early Warning Project website](#).

The central research question is to identify which countries today resemble countries that have experienced mass killing. The aim is thus to train different statistical algorithms on historical data (1945–2015) to identify a model that performs well in predicting onset of mass killing. Using current data on countries, it makes forecasts two years into the future (2016 data is used for the 2017–18 forecasts; 2017 data for the 2018–19 forecasts); this generates an estimated risk (as a percentage chance of onset of mass killing, usually relatively low) for each country, and a corresponding ranking. As of the 2017–18 assessment, the ‘winning’ algorithm is a logistic regression model with ‘elastic-net’ regularisation. Results indicate that eight out of every ten countries that later experienced a new onset of mass killing had risk estimates of greater than four per cent (they were usually among the 30 top-ranked countries in a given year). The ranking produced by the statistical model distinguishes between different levels of risk, relying in part on the wisdom of crowd-forecasting where anyone can provide a forecast. Paired comparison surveys are sometimes used (which of these two is more likely to see a new episode of mass killing).

Analysis is conducted based on four broad categories: (1) Highest Risk, (2) Unexpected Results, (3) Increasing Risk, and (4) Consistently High Risk. Country reports follow the Department of State/USAID framework, with scenario mapping, looking to countries that are high risk but not getting sufficient attention, and where it is feasible to conduct research and garner attention from policymakers (i.e. people will read it). Users include the UN Office on Genocide Prevention and the Responsibility to Protect,<sup>86</sup> and US Government policymakers, the International Peace Institute, USIP, etc. The aim is to have more international use.

In 2017, the project revised its Statistical Risk Assessment strategy to include non-state-perpetrated mass killing, to extend the forecasting window to two years, and to include new data sets that had become publicly available. Perhaps most significantly, it tested several statistical algorithms and selected an approach that maximised forecasting accuracy and interpretability. Previously, the project used an average of forecasts from three models representing different ideas about the origins of mass atrocities: the ‘Bad regime’ model, based on work by Barbara Harff and the Political Instability Task Force; the ‘Elite threat’ model, using statistical forecasts of future coup attempts and new civil wars as proxy measures of factors that could provoke mass killings; and a machine-learning process called Random Forests, applied to the risk factors identified by the other two models.

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<sup>86</sup> See [Office on Genocide Prevention and the Responsibility to Protect website](#).

Prompted by the Genocide Prevention Task Force (2008) report, the initial project idea was developed by Professor Benjamin Valentino during a 2011 fellowship at the Simon-Skjoldt Center, and moved to implementation, assisted by Dr Jay Ulfelder (a noted expert in statistical forecasting methods). It originally used the Random Forests model of machine learning, and now uses the logit model.<sup>87</sup> The methodology is comprehensive and covers all countries, seeking to remove some human biases by using a machine learning model. In November 2019, the 2019–20 report was released, based on 2018 data.<sup>88</sup> The statistical risk assessment does not, however, delve into who the perpetrators are or their possible motivations, just the probability of occurrence. The country reports and crowd-forecasting wisdom supplement the analysis.

## **2.8 Broad-based methodologies on social cohesion and development with varying treatment of religious minorities and/or FoRB**

In international development institutions, as well as academic circles, an increasing array of indices are used, both to secure insights and to set specific parameters for, for example, allocations of concessional aid and eligibility for certain categories of assistance and procurement. Private investors often look to these indices as they make investment decisions. Widely used measures include the Human Development Index produced by UNDP, various measures of governance, including the Transparency International Corruption Perceptions Index, the Mo Ibrahim Index for Africa, and the World Bank's CPIA (Country Policy and Institutional Assessment) and its equivalent for regional and other development banks. Freedom House indicators are widely cited, as are measures produced by the World Economic Forum, including the Global Gender Gap Index<sup>89</sup> and measures of competitiveness. On governance alone, Robert Rotberg (2015) outlines 93 indices developed as comparative measures. Demographic and Health Surveys (DHS) are regularly conducted at national level with results widely used in policy and project planning. Newer measures of wellbeing and happiness also form part of strategic reviews, policy analysis, setting targets and objectives, and assessment of performance. The Social Progress Imperative is designed specifically with a functional, operational use in mind. The data that underpin the specific targets and performance measures for the SDGs link in many cases to these and other reports that rely on various methodologies (e.g. reports on children, refugees, and hunger).

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<sup>87</sup> See [methodology section on the Early Warning Project website](#).

<sup>88</sup> The report can be downloaded from the [Early Warning Project website](#).

<sup>89</sup> See the [Global Gender Gap 2020](#) report.

An important question is how far, in these measures and indices, religious topics – including religious inequality and violations of religious freedom – are taken into account. The answer is: very rarely. If they are, the indicators used tend to be minimal and often questionable as overall measures of religious contributions to the topic at hand.<sup>90</sup> Thus an important topic is how religious indicators might be better integrated.

Several methodologies that fall into this broad category are summarised briefly below, as indicative examples of their approach and the ways in which some do, or do not, take religious dimensions into account.

### ***2.8.1 Human Rights Watch (HRW)***

The Human Rights Watch (HRW) annual review of human rights practices around the world focuses on thematic concerns in over 90 countries and territories. It draws on events over the course of the previous year to highlight critical human rights concerns and formulate recommendations to key actors and political agencies to combat human rights violations. HRW does not focus on religious freedom or belief, although these violations are invariably connected to broader human rights concerns. For many of the examples provided, distinguishing between human rights abuses and violations of religious freedom is difficult, with lines between them often blurred.

HRW's researchers collect from a variety of sources, although field-based research is at its centre, with some researchers based permanently in the field. Field research relies on interviews, especially with victims and witnesses of abuses, field and media investigations, and collaboration and communication with local activists, civil society organisations, lawyers, journalists, and government officials, again emphasising the need for on-the-ground relationships. Reports are not all encompassing, nor is the selection of issues intended to reflect a priority ordering by importance. Human Rights Watch has insufficient capacity to address the wide range of global human rights issues in a comprehensive way. As the methodology is not clearly laid out in the annual report, the criteria for what is and is not included is generally unclear.

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<sup>90</sup> To take an example, in the [US Millennium Challenge Corporation report on methodologies for assessing countries for eligibility for access to funding in 2020](#), there is one mention of 'religious' (none of religion or faith): '1. Political Rights: Independent experts rate countries on the prevalence of free and fair electoral processes; political pluralism and participation of all stakeholders; government accountability and transparency; freedom from domination by the military, foreign powers, totalitarian parties, religious hierarchies and economic oligarchies; and the political rights of minority groups, among other things. Pass: Score must be above the minimum score of 17 out of 40. Source: Freedom House' (MCC 2019). See also Giannone (2010).

The HRW website has readily accessible information detailing their research process, and emphasises certain challenges, including conducting research in regions they define as 'closed-societies'.<sup>91</sup> Like other field research, obtaining information in these regions, without threatening the safety of the researchers or collaborators, can be a challenge. Unlike the US Department of State, Human Rights Watch reports overcome this challenge through long-distance or online communications, border interviews, and through using satellite technology. NGOs or independent research bodies may be less biased, less prone to politicising conflicts, and viewed as less threatening to potential communicues, presenting a potential advantage in field research. However, as is explicit in its reports and websites, HRW does prescribe an ideology which it uses as the basis for identifying conflicts of interests and focus areas: '[W]e choose our countries of focus, and the issues we address, based on where we think our attention is needed, and where we can make a difference'. This goal-oriented reporting differs from reports seeking to establish unbiased accounts of positive and negative developments in religious freedoms or human rights.

### ***2.8.2 International Crisis Group***

The International Crisis Group (ICG) relies heavily on field research and in-country relationships, with its research focusing on global conflicts (Bliesemann de Guevara 2014). ICG aims to engage with 'all parties, speak to local, regional and international actors, and forge a common language for resolving disputes' (*ibid.*). Analysts are based in or near conflict zones and vulnerable countries, cultivating strong networks of contacts over years of sustained work. ICG rarely focuses explicitly or directly on religious minorities or on FoRB.

### ***2.8.3 Varieties of Democracy (V-Dem) Project***

The Variety of Democracy (V-Dem) Project – based at Gothenburg University – provides a multidimensional and disaggregated data set that reflects the complexity of the concept of democracy as a system of rule that goes beyond the simple presence of elections.<sup>92</sup> It distinguishes between five high-level principles of democracy – electoral, liberal, participatory, deliberative, and egalitarian – and collects data to measure these principles. The most recent version (V10) covers 202 countries from 1900 to 2019. The indicator of religious freedom is a single measure that captures the extent to which individuals and groups have the right to choose a religion, change their religion, and practice that religion in private or in public, as well as to proselytise peacefully without being subject to restrictions by public authorities. This methodology illustrates

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<sup>91</sup> See the [Human Rights Watch website](#).

<sup>92</sup> See the [V-Dem Project website](#).

approaches and databases where religious dimensions are included but in a peripheral manner.

#### ***2.8.4 Freedom House***

Since 1972, 'Freedom in the World' has been produced each year by a team of in-house and external analysts and expert advisers from the academic, think tank, and human rights communities. The 2019 edition involved more than 100 analysts and over 30 advisers. Analysts who prepare the draft reports and scores use a broad range of sources, including news articles, academic analyses, reports from NGOs, individual professional contacts, and on-the-ground research. They score countries and territories based on the conditions and events within their borders during the coverage period. The analysts' proposed scores are discussed and defended at a series of review meetings, organised by region and attended by Freedom House staff and a panel of expert advisers. The final scores represent the consensus of the analysts, advisers, and staff.<sup>93</sup>

Although an element of subjectivity is unavoidable in such an enterprise, the ratings process emphasises methodological consistency, intellectual rigour, and balanced and unbiased judgements.

Freedom House does not believe that legal guarantees of rights are sufficient for on-the-ground fulfillment of those rights. While both laws and actual practices are factored into scoring decisions, greater emphasis is placed on implementation. *Freedom in the World* operates from the assumption that freedom for all people is best achieved in liberal democratic societies.<sup>94</sup>

Analysts are provided with a series of characteristics to use when scoring countries, along with questions and sub-questions to provide additional guidance in data collection and scoring.

#### ***2.8.5 The Anti-Defamation League***

The Anti-Defamation League (ADL) H.E.A.T. map is interactive and customisable, visualising extremist and anti-Semitic incidents across the US.<sup>95</sup> Data were collected from news and media reports, government documents, including police reports, victim reports,

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<sup>93</sup> See [Freedom in the World Research Methodology](#).

<sup>94</sup> *Ibid.*

<sup>95</sup> See the [ADL website](#).

extremist sources, Center on Extremism investigations, and others. The Hate Crime Map, another ADL tool, collects legislative data on the presence of hate crime laws across five variables: race/religion/ethnicity; sexual orientation; disability; gender; and gender identity. It maps hate crimes from 2004 to 2017 using data from the FBI.

Reliance on the FBI for data may limit data collection.

Studies show that knowing the nature and magnitude of the hate crime problem is fundamental for resource allocation and crime deterrence. More important, targeted communities are much more likely to report crime and cooperate in investigations if they believe law enforcement authorities are ready and able to respond to hate violence.<sup>96</sup>

The degree and scale of hate crime is not evaluated (no qualitative data or evaluation is provided). Under-reporting is acknowledged. The report is limited to the US.

### ***2.8.6 The CIVICUS Monitor***

The CIVICUS Monitor also uses interactive maps to visualise rankings, with colours indicating the level of repression or risk.<sup>97</sup> CIVICUS covers a large number of countries and allows the user to select a country and read more about its rating and related media and/or internal publications. Maps are an effective way of visualising and interacting with data, but fall into traps that resemble other ranking systems as causes behind inter-country comparisons can be difficult to discern.

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<sup>96</sup> [ADL Hate Crime Map](#).

<sup>97</sup> See the [CIVICUS website](#).



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# Annexe 1: Mapping Types of FoRB Violations<sup>98</sup>

Type of violation	Examples of relevant questions to ask
Violations of the right to have, adopt, change, or leave a religion or belief	<p>Are there attempts to extinguish or eliminate particular religious or belief groups and identities?</p> <p>Are particular beliefs and religions prohibited (including atheism)? Are there social hostilities connected to having a particular belief or religion?</p> <p>Is conversion and apostasy prohibited or restricted? Are there social hostilities connected to changing or leaving a particular religion or belief?</p> <p>Are people required to reveal/register their religion, e.g. on ID cards?</p> <p>Is interreligious marriage permitted or is one spouse required to convert?</p>
Violations of the right to be free from coercion	Do individuals face coercion to practice or refrain from practising religion, or to follow religiously motivated codes of conduct?
Violations of the right to practise and manifest a religion or belief	<p>Do religious or belief groups have to register through discriminatory or cumbersome registration procedures?</p> <p>Is unregistered religious or belief activity illegal or restricted?</p> <p>Are religious or belief groups or individuals banned from, restricted in, or prevented from worshipping and assembling, and from establishing and maintaining organisations and places for these purposes?</p> <p>Are religious or belief groups or individuals banned from, restricted in or prevented from teaching, communicating about and disseminating opinions, information, and knowledge about their religion or belief?</p>

<sup>98</sup> From Petersen and Marshall (2019).



	<p>Is proselytisation prohibited or restricted? Is proselytisation met with societal hostility? Are foreign missionaries banned from or restricted in operating?</p> <p>Is blasphemy and/or criticism of religion prohibited or connected with social hostilities?</p> <p>Is the use of particular religious clothing or symbols obligatory, prohibited or restricted? Is lack of adherence met with societal hostility?</p>
<p>Violations of the right to non-discrimination on the basis of religion or belief</p>	<p>Are particular religious or belief groups or identities favoured in such a manner that other groups or identities are disadvantaged?</p> <p>Are there incidents of religiously based hate speech and incitement to hatred?</p> <p>Is family law discriminatory on the basis of religion or belief?</p> <p>Is there religiously based discrimination against particular groups or individuals in the education system, whether in terms of access, contents of education or otherwise?</p> <p>Is there social and/or economic discrimination on the basis of religion or belief?</p>
<p>Violations of the right to bring up one's children in accordance with one's religion or belief</p>	<p>Are children banned from or restricted in participating in religious activities?</p> <p>Is school teaching on religion or belief confessional? Are exemptions to confessional religious education, or aspects of education that raise religious or other conscientious sensibilities, made available, both in principle and in practice, to all children/parents who object to participation?</p> <p>If one party to a marriage converts are children automatically re-registered (converted) by the state without the permission of the other spouse? Can children refuse to be re-registered? And at what age?</p>

# Annexe 2: France and Limits on Religious Freedom: Cults

France stands out for restrictions on freedom to practise religion that involve explicit efforts to define and list prohibited entities, alongside administrative mechanisms and active public debate.<sup>99</sup>

In July 1995, the French National Assembly set up a Parliamentary Commission on Cults in France (*Commission parlementaire sur les sectes en France*), following events involving the members of the Order of the Solar Temple in late 1994, with a murder-suicide incident in the Vercors Mountains. It categorised various groups according to their supposed threat or innocuity (towards members of the groups themselves or towards society and the state). The Commission reported back in December 1995.<sup>100</sup> Legislation followed that aimed to define and limit what were considered dangerous religious sects, or cults. Other French Parliamentary Commissions on cults reported in 1999 (focused on tax and finance aspects) and in 2006 (focused on impact on children). At one point, 172 groups were blacklisted, ranging from Eastern to Christian in orientation, including Baptists.

The controversial 2001 About-Picard Law allowed the government to ban religious groups if they were found to be manipulative and abusive, making brainwashing an explicit issue. The law was Europe's toughest anti-sect legislation yet, creating a controversial new crime of 'mental manipulation'. Organisations that have been listed are the Church of Scientology, the Unification Church, and the Jehovah's Witnesses.

A 2005 *circulaire* stressed ongoing vigilance concerning cults, but France's Prime Minister suggested that due to changes in cult behaviour and organisation, the list of specific cults had become less pertinent. Civil servants were to avoid depending on generic lists of cult groups but instead to apply criteria set in consultation with Miviludes.<sup>101</sup>

The government has a cult-tracking agency that tracks sectarian activity (e.g. it reports an increase from 954 incidents in the first half of 2015 to 1,266 in the first half of 2016). An inter-ministerial organisation, the [Mission interministérielle de lutte contre les sectes](#) (MILS), was later replaced by the Miviludes. It has been less visible and active since 2014, when it assessed the sectarian risk posed by Femen, a radical feminist group whose mission is 'complete victory over patriarchy'. Miviludes tentatively tried to tackle

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<sup>99</sup> See Nugent and Colin (2017).

<sup>100</sup> See [Parliamentary Commission on Cults in France Wikipedia webpage](#).

<sup>101</sup> *Mission interministérielle de vigilance et de lutte contre les dérives sectaires* [the Interministerial Mission for Monitoring and Combating Cultic Deviances]; see [La Miviludes](#) (in French).

radical Islam following the outbreak of terrorist attacks in 2014, but the Minister of the Interior has taken that responsibility. GAT (*Groupe Appui Technique*, or Technical Support Group), a government task force created in 2009 and charged with informing health professionals of dangerous holistic health trends, disbanded in 2015.

A different but important measure is the 14 September 2010 act of parliament which banned the wearing of face-covering headgear, including masks, helmets, balaclavas, niqabs, and other veils covering the face in public places, except under special circumstances. The ban applies to the burqa, a full body covering, if it covers the face.

# Annexe 3: US Foreign Policy and Religious Freedom

In the 1980s and 1990s, cases of religious persecution in different world regions generated public debate that resulted in 1998 legislation that set out a distinct set of policies and institutions reflecting a national commitment to global religious freedom. The legislation and institutions drew on traditions of religious freedom as a foundational value for the US, extending them to a broad understanding of their application in foreign policy. The 1941 'four freedoms', set out by President Franklin D. Roosevelt, provided a moral and political grounding, as did the 1948 Universal Declaration of Human Rights.

The **International Religious Freedom Act of 1998 (IRFA)** was preceded by efforts to enact a religious persecution act, focused on persecution of Christians, using its own definitions of human rights, religious freedom, and religious persecution issues and focused on certain countries that included, prominently, Sudan and China. IRFA was eventually crafted, embodying international definitions related to the purposes of IRFA, addressing all religious groups equally, and applying to US relations with all nations.

Passed with bipartisan support from Democrats and Republicans and signed by President Bill Clinton, IRFA promoted religious freedom as an important US foreign policy concern, and mandated efforts to improve the status of religious freedom in countries that engage in or tolerate violations of religious freedom. IRFA required the US to advocate on the behalf of individuals persecuted for their religious beliefs and activities in foreign countries.

IRFA defined three entities to monitor persecution and to promote action:

1. **An Ambassador-at-Large for International Religious Freedom** within the Department of State. The provision aimed to put in place a comprehensive structure headed by a high-ranking diplomat who could negotiate with other governments on behalf of the President, would oversee the programmatic funding of the State Department on religious freedom issues, and oversee the Annual Report on International Religious Freedom,<sup>102</sup> which requires US embassies around the world to interact with their counterparts and NGOs in the process of reporting, as well as requiring the US to state what efforts it has undertaken to promote religious freedom. He/she is a principal adviser to the President and

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<sup>102</sup> See [2019 Report on International Religious Freedom](#).

Secretary of State, and the highest-ranking US diplomat on international religious freedom issues.

2. **The Commission on International Religious Freedom**, an independent, nine-member bipartisan US government agency to monitor the status of freedom of thought, conscience, and religion or belief abroad, and give independent policy recommendations to improve US policy on religious freedom to the President, the Secretary of State, and the Congress. The Commission is funded entirely by the federal government on an annual basis and staffed by government employees. It monitors the effect of other countries' policies on religious groups, and may hold hearings to educate Congress and the public about religious persecution in different countries. The Commission has advisory and monitoring authority (including authority to hold hearings); it cannot implement sanctions on countries that violate religious freedom. The Department of State reports include a detailed country-by-country analysis of religious freedom, but the Commission's report covers few countries, with policy recommendations to the executive and legislative branches of the government. The Commission report also reviews and analyses the State Department's work on the topic.
3. The President is assigned **a special adviser on international religious freedom within the National Security Council (NSC)** to serve as a resource for executive branch officials. Since IRFA's passage, this had never been a freestanding position at the NSC until 2020; previously an official with other responsibilities had been assigned this designation.

When the bill was being debated (followed also by scholars and human rights advocates), there was much discussion as to the advisability of taking religious freedom out of the broader human rights office and maintaining a separate office, led by an official of basically the same rank as the head of the Democracy, Human Rights, and Labor (DRL) division (the formal name for the Department of State's human rights office). Some argued that this would distort the balance of human rights, lifting religious freedom to a status above that of other core human rights. The argument that prevailed was that religious freedom was too often overlooked by governments in their human rights efforts, as well as by human rights organisations and human rights regional courts. Creating this separate structure would be an 'affirmative action' programme, needed to lift religious freedom up to the level of other human rights in US foreign policy.

The Annual Report has had a large impact on religious freedom literacy and activities among Department of State officials. First, every year in every embassy and in a number of consulates, foreign service officers are assigned to prepare the report. Their drafts are reviewed by staff and supervisors in the embassies and in Washington at the country and

regional desk level. Over the 20 years of reports, thousands of foreign service staff have engaged with these issues and some now serve at assistant secretary, ambassadorial, and DCM (deputy chief of mission) levels. Second, the engagement with religious groups on the ground who suffer discrimination and persecution provides avenues of assistance to which these groups can turn when problems increase. US inquiries and interventions with relevant host country government officials often have a positive impact. And finally, religious leaders of oppressed, often small and politically isolated, religious communities tell US officials that it encourages them to have their story lifted up in the reports before the world. The US hears from other governments that the reports are helpful as a blueprint for their own embassy human rights officers.

Another cornerstone of IRFA is the requirement that each year the President reviews and determines whether any country has met the threshold, based on international human rights law, of Country of Particular Concern (CPC), engaging in or tolerating 'particularly severe violations of religious freedom'. The CPC determinations lead to a consultation and negotiations process, resulting in a range of actions and sanctions if the offences are not addressed. Based on similar successful provisions in trade law, IRFA provided that the goal of these negotiations was to secure a 'Binding Agreement' to cease the violations. Any designation then leads to a series of negotiations and consultations, resulting in a number of possible actions available to the President, in consultation with the Secretary of State, the Ambassador at Large, the National Security Council special adviser, and the Commission, as a response to those countries. In practice, this authority of the President is delegated to the Secretary of State and the Ambassador. Countries that are severe violators of religious freedom are categorised as CPCs and this subjects them to punitive sanctions, listed in Sec. 405. The President must either enter into a binding agreement with the concerned country to end the religious persecution, or choose from remedies outlined in the Act which offer the President 15 options to exercise against countries engaging in religious persecution, ranging from private negotiations to sanctions, or a 'commensurate action' not listed in IRFA, but which would serve the purpose of advancing religious freedom. These include:

- A private or a public demarche;
- A private or public condemnation;
- The delay or cancellation of scientific or cultural exchanges;
- The denial, delay, or cancellation of working, official or state visits;
- The withdrawing, limitation, or suspension of some forms of US aid;
- Direction to public and private international institutions to deny assistance; and
- Sanctions prohibiting the US government from entering into import or export agreements with the designated governments.

The President may waive punitive measures against the concerned country if he or she determines that national security is at risk or if the proposed action would harm rather than benefit the individuals and communities IRFA is designed to help.

The only Binding Agreement under IRFA to date followed the designation of Vietnam as a CPC. Vietnam issued a decree ordering the cessation of its practice of forced renunciations of faith, released all known religious prisoners, and allowed hundreds of churches it had shut down to reopen.

IRFA seeks to promote religious freedom abroad through international media, exchanges, and foreign service awards for working to promote human rights. It requires appropriate training for asylum officers (domestic), refugee officers (abroad), and judges. The Congress has asked several times for compulsory classes on religious freedom issues at the Department of State's Foreign Service School, but they remain, although well attended, optional. Training programmes for foreign service officers from embassies have been greatly expanded in recent years. Provisions urge transnational corporations to adopt codes of conduct sensitive to the right to freedom of religion.

On 16 December 2016, President Obama signed into law the Frank R. Wolf International Religious Freedom Act, which amends the 1998 Act by specifically extending protection to non-theists as well as those who do not claim any particular religion. It does not materially change IRFA, but it does spell out certain authorities and provisions in greater clarity, such as the ability to designate non-state actors under IRFA.

## Annexe 4: Personal Interviews

1. Pew Research Center, Interview with Samirah, Anna, and Virginia, 31 July 2019.
2. Interview with Knox Thames, US Department of State, 2 August 2019.
3. Interview with Bob Boehme, consultant to US Department of State, 13 August 2019.
4. Interview with Mollie Zapata, Holocaust Museum.
5. Judd Birdsall, Transatlantic Policy Network on Religion and Diplomacy (TPNRD).





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