

**Submission on the Office of Religious Freedom to
the Department of Foreign Affairs and International Trade**

The Bahá'í Faith is an independent world religion with approximately 5 million adherents around the world, from almost every country, ethnic group, and social or economic background. A monotheistic faith, its teachings are based on the oneness of God, the oneness of religion and the unity of humanity. The religion was introduced to Canada in 1898, and today the community comprises more than 34,000 people in some 1200 localities in every province and territory.

A submission by the Bahá'í Community of Canada

The Bahá'í Community of Canada welcomes the invitation to contribute to the thinking underway concerning religious freedom and the role that the Office of Religious Freedom might play in promoting it. In this submission we share a perspective on the role of religious freedom in human development before offering recommendations as to how the Office of Religious Freedom could contribute to its advancement.

Religious freedom as a value and as a human right

Central to Bahá'í belief is the conviction that the vitality of religion and the progress of society require that individuals be free to independently search for truth. Belief itself finds expression through culture, community life and collective initiatives dedicated to the common good. Religious freedom is therefore central to human development: when people are free to believe, their human potential emerges and develops, and they become more engaged in society.

On the other hand, religious intolerance in its most extreme form gives rise to acts of violence against peoples of other faiths or no faith, threatening the peace and security of all. Often directed against women and religious minorities, the denial of religious freedom is injurious not only to the individual and his/her family, but ultimately to the fabric of society and the prosperity of the nation.

Protecting religious freedom helps to create the public space for diverse views, whether arising from religious, atheist, or agnostic standpoints. Truly democratic processes require participants to freely contribute their views – from whatever perspective they may hold – and see the spark of truth emerge through the clash of differing opinions. The promotion of religious freedom should therefore not be a concern for the faithful alone because an open, prosperous and democratic society rests upon the protection of this essential value.

In addition to being a human value, freedom of religion is also a human right. International law proscribes restrictions on the right of the individual to hold or change a conviction or belief, whether philosophical or religious. However, under exceptional circumstances it permits restrictions on freedom to practice a religion to safeguard public safety, health or the fundamental rights and freedoms of others.

Although there is a legal distinction between the freedom of thought and conscience and the freedom to manifest a religion, the two cannot be easily separated in practice. Central to religious belief is the covenantal relationship between the individual and God, by which the individual is called upon to live and act in ways consistent with the teachings of that religion. This often includes collective worship, contributing to community life, participating in institutions, developing educational processes and teaching the religion to others.

Because of the interdependence of human rights, denial of the right to religious freedom often entails not only interference with freedom of thought and conscience, but the violation of a wide range of other fundamental rights, including right to liberty, peaceful assembly, education, property, employment, citizenship, and access to public services – and at times even life itself.

Advancing freedom of religion

In western societies such as Canada, concerns over religious freedom have focused on the requirements of secularism and the role of religion in the public sphere – for example, restrictions on religious clothing and symbols or state funding for religious schools. While such issues are serious and must be addressed, the challenge of accommodating religious difference is different in severity and kind from the more urgent issue of halting the persecution of religious minorities by state or non-state actors. It is towards these latter concerns that Canadian efforts should be oriented.

The global challenges to religious freedom remain severe and urgent. Many countries have laws that criminalize apostasy or conversion, outlaw blasphemy, or restrict access to citizenship rights on the basis of religion. Some implement policies that discriminate against religious minorities, recognized or otherwise. Countries may also require people to declare their religion on government documents to access public services, provisions that facilitate or implicitly condone religious discrimination.

In other countries, laws exist to protect religious freedom but the government appears unable or unwilling to enforce them in the face of popular pressure as for example, when local authorities or non-state actors target religious minorities by destroying property, denying business licenses, or condoning threats and harassment. In such situations states have a duty to extend protection to those suffering persecution and to punish the perpetrators but may fail to do so. Media may be engaged in incitement to religious hatred, at times serving as a spokesman or as a platform for the government to propagate its views.

While the task of the state in upholding religious freedom is complex, it could be viewed as comprising three broad types of activity:

- Promotion of tolerance through the media, education and inter-religious dialogue;
- Creation and enforcement of national laws consistent with international human rights law upholding the right to hold a belief and to manifest it;
- Protection of those suffering religious persecution at the hands of state and non-state actors.

The Office of Religious Freedom: Canada's role

In view of the increasing incidence of religious discrimination and persecution, the establishment of the Office of Religious Freedom is timely. The issues that it is to address are clearly without any easy answers or solutions, so it would be natural for the Office to define a flexible mandate and embrace a learning mode in its operations.

Our observations with regard to the Office itself at this initial phase of its development focus on three areas: the role and function of the Office within the Department of Foreign Affairs and International Trade (DFAIT); the relationship between the Office and the Canadian public; and the tools of foreign policy that could be employed to advance religious freedom. These comments are shared as an initial contribution to a wider and ongoing dialogue, and we look

forward to exploring these and other issues further as the scope and function of the Office's work is defined.

1. The role of the Office within DFAIT: Our experience working closely with the Department on issues of religious freedom leads us to suggest that the Office could make a substantial contribution to the work of the Department – and indeed the rest of Government – by developing a policy leadership role. As a centre for policy development, the Office could augment work already underway rather than seeking to concentrate it in one place.

As a knowledge and policy resource, the Office could produce targeted country and regional analyses of religious freedom, develop a network of external thematic experts, explain the application of religious freedom to other government priorities, convene seminars and lectures, develop and deliver training programs, and provide relevant advice to private companies. Such an approach would avoid the possibility that the Office becomes a place to which all issues of religious freedom are directed – an approach that would threaten to marginalize such concerns, isolating them from their broader context.

2. The relationship between the Office and the Canadian public: From the outset the Office will contend with a mix of high expectations and skepticism, a challenge to manage through open dialogue with stakeholders and the selection of a few clear areas of activity that can be added to as experience is gained. The external advisory group, which we understand will be appointed by the Minister of Foreign Affairs, will have the opportunity to play a helpful role in this respect. At the outset the group could serve two functions, one of which would be to develop understanding of the nature and importance of religious freedom among the members, and through them their respective religious communities at home and eventually abroad. Another would be to serve as a source of insight into the incidence, causes and consequences of religious intolerance, which could inform the Office's analysis of these issues and the methods and approaches it adopts to address them.

Another aspect of this relationship concerns the programming work of the Office. Canada is home to an array of religious minority and diaspora communities, which could serve as rich resources of knowledge and experience for the overseas programming work of the Office. The work of funding religious freedom projects in other countries will be a delicate task and it could be beneficial to explore ways to engage Canadians in roles as 'citizen ambassadors'. This may take the form of cultural missions, exchange programs, civil society roundtables, expert working groups, or projects that leverage diaspora relationships. While the focus of the Office will be international religious freedom, engaging Canadians could also have the beneficial effect of building understanding at home.

3. Tools of foreign policy: Tools that might be used to elevate the role of religious freedom in Canadian foreign policy include bilateral measures, overseas programming, and multilateral measures. The following are initial reflections on each of these areas:

Bilateral measures: Religious freedom is a crosscutting issue in our bilateral relations with many countries and it can be constructively raised in the context of regular dialogues with our strategic partners. With like-minded countries this would provide the opportunity to explore joint initiatives, and with others it would open communication on strategies to promote religious freedom. For those countries that routinely violate the right to freedom of religion or belief, and with whom we lack regular structured dialogue, it may be necessary to

employ ministerial statements or demarches. While such actions may not result in immediate changes in state behaviour, they caution it against taking even more extreme measures, project Canada's values, strengthen the resolve of human rights defenders, and give courage to those persecuted for their beliefs.

Overseas programming: Consideration could be given to selecting a small number of priority countries for programming using the criteria, at least in part, of their receptivity to improving religious freedom. Demonstrations of a commitment to improve protections for religious minorities should be a precondition for supporting such Canadian projects overseas. In selecting which projects to support, the reports of the UN Special Rapporteur on freedom of religion or belief may provide helpful recommendations for state action.

Multilateral measures: Canada has traditionally supported resolutions and other initiatives before the United Nations to promote the freedom of religion and belief, and other opportunities can be pursued to strengthen this human right as an international norm. This could include introducing language on freedom of religion or belief into relevant UN resolutions. Certain aspects of religious freedom, such as the right to teach and change one's religion, need to be defended and strengthened in such resolutions. Finally, Canada can pursue opportunities to support the mandate and work of the UN Special Rapporteur on freedom of religion or belief, as well as other relevant UNSRs.