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Global trends in government restrictions on collective religious freedom

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Abstract

This article provides a cross-regional survey of government restrictions on the collective dimension of freedom of religion or belief, grouped into three distinct categories. *Absolute restrictions*, comprising *de jure* or *de facto* bans on religious communities, are inherently incompatible with international human rights law. *Autonomy restrictions*, including both active and passive interference in religious practice, are permissible only under strict conditions, such as respect for the principles of legality, necessity, proportionality, and non-discrimination. *Indirect restrictions,* curtailing faith communities' exercise of related rights, must abide by the corresponding international legal frameworks in addition to that overseeing freedom of religion or belief.

Keywords

Freedom of religion or belief, international law, government restrictions, global trends, church autonomy.

1. Introduction

In 2021, the Pew Research Forum reported that "government restrictions on religion – laws, policies and actions by state officials that limit religious beliefs and practices – reached a new peak globally."[2] This peak has shown no sign of reverting.[3] The latest annual report, covering 2023, shows almost one-third of all states as having high or very high levels of government restrictions, including 13 of

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2 S. Majumdar and S. Crawford "Globally, Government Restrictions Reached Peak Levels in 2021, While Social Hostilities Went Down" (5 March 2024) Pew Research Center, 5.

3 S. Majumdar "Government Restrictions on Religion Stayed at Peak Levels Globally in 2022" (18 December 2024) Pew Research Center.

the 25 most populous countries.[4] Specifically, of the 198 countries covered in the study, a startling 175, or 90 percent, reported at least some incidents of government interference in worship. This represents a drastic increase since the study began in 2007, when the number was 112, or 57 percent.[5]

These worrying statistics raise an important question: what are the key global trends in restrictions on religion, what is causing them, and how do they manifest across cultures and political systems?

Much research has already been done on this question, linking this global escalation to, *inter alia,* authoritarian systems of control,[6] majority-minority religious dynamics,[7] and the rise of secular intolerance.[8] Other research has sought to address regional or national trends, such as diverse manifestations of secularism across Europe,[9] Shari'a law in the Islamic world,[10] and the concept of religious harmony in Asia.[11] This paper aims to supplement existing work by proposing a classification of global trends based on their implications under international human rights law.

The right to freedom of religion or belief (FoRB) is codified most notably in the International Covenant on Civil and Political Rights (ICCPR). Article 18(1) asserts:

> Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.[12]

A notable feature of this provision is the freedom to manifest one's religion or belief *in community with others*. The right "includes interrelated and interdependent individual and collective aspects; without one or the other the understanding and protection of this right would be incomplete."[13] The collective dimension

4 S. Majumdar and V. Jacobs "More Countries Had Elevated Levels of Social Hostilities Involving Religion in 2023" (15 June 2026) Pew Research Center, 5.
5 Id., 12.
6 A. Sarkissian, *The Varieties of Religious Repression: Why Governments Restrict Religion* (Oxford University Press 2015).
7 J. Fox, *Thou Shalt Have No Other Gods Before Me: Why Governments Discriminate Against Religious Minorities* (Cambridge University Press 2020).
8 D. P. Petri and J. Epp Buckingham "Origins of and responses to secular intolerance" (2020) 13 IJRF 1/2, 27-35.
9 J. Fox "How secular and religiously free are Europe's 'secular' states?" (2023) 16 IJRF 2, 27-55.
10 A. Saeed, H. Saeed, *Freedom of Religion, Apostasy and Islam* (Ashgate 2004).
11 J. L. Neo "Dimensions of Religious Harmony as Constitutional Practice: Beyond State Control" (2019) 20 GLJ 7, 966-985.
12 International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art. 18.
13 M. Yildrim "The Collective Dimension of Freedom of Religion or Belief in International Law" (2017) 513 Routledge: Law and Religion, 30.

is of particular importance in the context of government restrictions. As early as 1960, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities noted, "Intervention by the State to regulate or to limit manifestations of a religion or belief are more frequent when these manifestations are performed 'in community with others' than when they are performed 'alone.'"[14]

In studying the trends in government restrictions on freedom of religion, this paper will focus on churches as the unit of analysis. For the purposes of this paper, a church is defined as an association of individuals manifesting their religion collectively, with sufficient continuity and integration to generate a distinct group identity. This definition excludes religious buildings or traditions as such, neither of which are subjects of international law, notwithstanding the fact that they may serve a significant or even essential role in collective practice. Furthermore, contrary to its colloquial usage, the term is not limited to Christian denominations but serves as a catch-all for all applicable religious communities. Consequent to this definition, the term *church freedom* refers to the collective freedoms guaranteed to these groups according to international law, including freedom of religion or belief as well as related rights such as freedom of association and peaceful assembly.

The central question posed in this paper is as follows: What are the key global trends in government restrictions on church freedom, and how do they interact with the international legal framework overseeing the enjoyment of freedom of religion or belief? In responding to this question, the paper will draw on a cross-regional survey of cases derived primarily from national legislation and secondary sources of reported incidents. These cases are divided into three categories: absolute restrictions, autonomy restrictions and indirect restrictions.

2. Legitimate restrictions: International legal framework

Before we examine these trends, it is necessary to provide an overview of the international legal framework guaranteeing the right to freedom of religion or belief and the criteria for establishing legitimate limitations on it, including its collective dimension.

As cited above, Article 18 of the ICCPR legally obligates states to protect the right to freedom of thought, conscience and religion. Article 18(3) indicates:

> Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect

14 A. Krishnaswami "Study of Discrimination in the Matter of Religious Rights and Practices" (1960) UN Doc E/CN.4/Sub.2/200/Rev.1, 21.

> public safety, order, health, or morals or the fundamental rights and freedoms of others.[15]

Importantly, this provision does not limit the scope of the right itself but establishes "limits on permissible limitations."[16] In other words, there are no legitimate restrictions on the right to freedom of religion or belief other than those meeting these criteria, which must themselves be interpreted narrowly. According to the UN Human Rights Committee, which monitors the implementation of the ICCPR, "In interpreting the scope of permissible limitation clauses, States parties should proceed from the need to protect the rights guaranteed under the Covenant."[17] The relationship between religious freedom and government restrictions is one of rule and exception, rather than a balancing of competing interests. The burden of justification falls squarely on the authority imposing the restrictions, whereas the right to the free and full exercise of all aspects of one's religious freedom is presupposed.[18] These provisions are non-derogable even in times of public emergency.[19]

First, the restrictions can apply only to the "freedom to manifest one's religion or beliefs". No limitations are permitted on the internal dimension (*forum internum*) of the freedom of religion or belief.[20] Only the external manifestation (*forum externum*) of a religion or belief may, under specific circumstances, be limited. This includes the collective dimension of religious freedom.

Second, any proposed limitations must be "prescribed by law", meaning that they cannot be arbitrary or enforced without a clear grounding in national legislation. The principle of legality further implies that a law be formulated with "sufficient precision to enable an individual to regulate his or her conduct accordingly" and "may not confer unfettered discretion for the restriction … on those charged with its execution".[21] In other words, "Laws must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not."[22]

Third, the restrictions must be "necessary". According to the Human Rights Committee, "Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific

15 ICCPR, art. 18(3).
16 H. Bielefeldt "Limiting Permissible Limitations: How to Preserve the Substance of Religious Freedom" (2020) Religion and Human Rights 15, 4.
17 UN Human Rights Committee "General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)" (30 July 1993) UN Doc CCPR/C/21/Rev.1/Add.4, para. 8.
18 H. Bielefeldt "Limiting Permissible Limitations" (n 16), 5.
19 ICCPR, art. 4(2).
20 UN Human Rights Committee "General Comment No. 22" (n 17), para. 8.
21 UN Human Rights Committee "General Comment No. 34: Article 19 (Freedom of Opinion and Expression)" (12 Sep. 2011) UN Doc CCPR/C/GC/34, para. 25.
22 Id.

need on which they are predicated."[23] This pertains to both the letter of the regulation and its implementation.

Finally, any limitation must be justified on the exhaustive grounds prescribed in the provision, namely public safety, order, health, morals, or the fundamental rights and freedoms of others. This listing is exhaustive.[24] No clear definition of these terms exists in international law, resulting in some ambiguity regarding their scope.[25] The 1985 Siracusa Principles, while not intergovernmentally adopted, offer useful expert insight on the interpretation of each ground, taking into account common state practice.[26] Further guidelines and jurisprudence exist at the regional level.[27] Even at the time of drafting, some of the grounds were contested. For instance, the English term "public order" is much narrower in its scope than the French "*ordre public*".[28] The ground of protecting "the fundamental rights and freedoms of others" also raises questions about matters including the scope of "others" as well as the specific rights and freedoms implied. In European case law, the term has become used as a catch-all for a variety of state justifications not corresponding to those explicitly provided, including concepts such as secularism, neutrality, and gender equality. This has raised concerns over state attempts to bypass the exhaustive scope of permissible limitations.[29]

Whereas certain other rights, such as freedom of assembly, association, and expression, may be limited on the basis of national security, this is not the case with the freedom of religion or belief. Where national security is a genuine concern, the limitation must nevertheless be justified on another, permitted ground.[30]

The following chapters will articulate various trends in government restrictions based on a cross-regional survey of cases, which will then be related to the above criteria to determine their permissibility under international human rights law.

3. Absolute restrictions: *De jure* and *de facto* church bans

The first group of global trends in government restrictions on church freedom may be labelled "absolute restrictions". They are absolute in the sense of threat-

23 UN Human Rights Committee "General Comment No. 22" (n 17), para. 8.
24 Id.
25 G. Gunatilleke "Criteria and Constraints: the Human Rights Committee's Test on Limiting the Freedom of Religion or Belief" (2020) Religion and Human Rights 15, 24-25.
26 International Commission of Jurists "Siracusa Principles on the Limitation and Derogation Provisions in the ICCPR" (April 1985).
27 See e.g. OSCE Office for Democratic Institutions and Human Rights "Guidelines on the Legal Personality of Religious or Belief Communities" (2014). Available at: https://www.osce.org/files/f/documents/9/9/139046.pdf; OAS Inter-American Commission for Human Rights "Inter-American Standards Concerning Freedom of Religion or Belief" (10 September 2023). Available at: https://tinyurl.com/5nbhyk44.
28 UN General Assembly "Draft International Covenants on Human Rights, 10th Session" (1 July 1955) UN Doc A/2929, 139.
29 A. Portaru, *A Precious Asset? Analyzing Religious Freedom Protections in Europe* (Kairos Publications 2020), 61-62.
30 A. Shaheed "Elimination of All Forms of Religious Intolerance" (5 September 2018) UN Doc A/73/362, para. 8.

ening a total prohibition of the collective exercise of freedom of religion or belief. This category includes outright bans on certain religious groups as well as laws and policies which, while permitting religious entities in theory, render their practical functioning impossible. According to the latest Pew research, in 2023, 59 countries "prohibit[ed] worship or religious practices of one or more religious groups as a general policy", comprising almost a third of all states under review. This figure has almost doubled since 2007.[31]

In the most extreme cases, states engage in a near-total suppression of church freedom. While rare, this practice manifests in two main forms. The first is found in certain Islamic states that engage, at least formally, in the total imposition of the state religion upon all its citizens. The Maldivian Constitution, for instance, declares, "The religion of the State of the Maldives is Islam. Islam shall be the basis of all the laws of the Maldives."[32] It further asserts that "a non-Muslim may not become a citizen of the Maldives."[33] Freedom of thought and expression, like other rights, is assured only "in a manner that is not contrary to any tenet of Islam."[34] The Maldivian Criminal Code lists "criticizing Islam" as a criminal offense, including "attempting to disrupt the religious unity of the citizens of Maldives, and conversing and acting in a manner likely to cause religious segregation amongst people".[35] Similarly, the Mauritanian Constitution asserts that "Islam is the religion of the people and of the State",[36] and its Penal Code imposes the death penalty for cases of apostasy from or blasphemy of the state religion.[37] Beyond merely prohibiting the operation of minority religious groups, these states often deny the existence of adherents among their citizens at all. This is seen in official population statistics, with the Maldives and Mauritania both reporting a 100 percent Muslim population.[38]

A second form of near-total suppression occurs in atheistic states, which place heavy restrictions on the activities of all religious groups. The most extreme example is North Korea. Despite claiming to guarantee religious freedom in its constitution, in practice the state harshly suppresses all religious practice, with the exception of a small number of token state-sanctioned churches.[39] Similarly, China

31 S. Majumdar and V. Jacobs "More Countries Had Elevated Levels of Social Hostilities Involving Religion in 2023 – Appendix D: Summary of Results" (15 June 2026) Pew Research Center, 4.
32 Constitution of the Republic of Maldives (2008), art. 10(a).
33 Id., art. 9(d).
34 Id., art. 27.
35 Maldives Penal Code (1968), art. 617(5).
36 Constitution of Mauritania (1991, amended 2012), art. 5.
37 Mauritania Penal Code (1983, amended 2018), art. 306.
38 CIA World Fact Book "Mauritania" (27 September 2021). Available at: https://tinyurl.com/46hjm9p6; CIA World Fact Book "Maldives" (22 September 2021). Available at: https://tinyurl.com/yckfkhf9.
39 Freedom House "Freedom in the World Report: North Korea" (2021). Available at: https://tinyurl.com/bdhs4mkc, D2.

has recently begun engaging in "the worst crackdown on religion since the country's Cultural Revolution".[40] This crackdown involves the mass closure of hundreds of unregistered churches, widespread arrests of religious leaders, and a program of "Sinicization", discussed further in the next section.[41] China has also banned dozens of religious groups, deeming them "heterodox cults" on the grounds that they engage in "recruiting and controlling their members, and deceiving people by molding and spreading superstitious ideas, and endangering society".[42]

Beyond these extreme cases, specific religious groups are also subject to targeted bans. In 2019, Jehovah's Witnesses' activities were banned in 35 countries globally, from Algeria to Russia to Singapore.[43] This is generally due to the religious group's opposition to military conscription and to public expressions of national allegiance.[44] Bans on specific sects of religions also exist, such as Malaysia's ban on Shi'ites and Ahmadis from engaging in public religious practice, as they are deemed "deviant" forms of Islam.[45]

Some restrictions, while not explicit bans, nevertheless mimic the effect of an absolute restriction. One such trend involves restricting religious practice to churches that are formally registered, combined with excessively burdensome or discriminatory registration requirements. As noted by former UN Special Rapporteur on freedom of religion or belief Ahmed Shaheed, "Depriving a religious or belief community of legal status can have a tremendous impact on the collective aspects of the right to freedom of religion or belief, … jeopardizing the viability of the community itself."[46] In 2018, the Angolan government issued a decree rendering all unregistered churches illegal, resulting in the lockdown of over 4,000 church buildings. Registration requirements for religious communities in Angola are extremely strict, requiring signatures from 100,000 citizens representing 12 of the 18 national provinces.[47] Tajikistan's 2009 Law on Conscience and Religious Associations explicitly establishes that "only religious associations registered in accordance with the procedures determined by this Law are allowed to do mass

40 L. Kuo "In China, they're closing churches, jailing pastors – and even rewriting scripture" (13 January 2019) The Guardian. Available at: https://tinyurl.com/247j9ct8.
41 P. Rowe, L. Chuang, H. Kendon "Corporatism, Ideology, and Religious Freedom in China From Mao to Xi" (2024) 17 IJRF 1, 13-28.
42 E. Albert "Religion in China" (15 March 2018) Council of Foreign Relations. Available at: https://perma.cc/TA65-GDYG.
43 Radio Free Europe "Countries Where Jehovah's Witnesses' Activities Are Banned" (7 February 2019). Available at: https://tinyurl.com/bd5u37b8.
44 Jehovah's Witnesses "Jehovah's Witnesses Imprisoned for Their Faith – By Location". Available at: https://tinyurl.com/4k8k86zw.
45 K. Bennoune "Report of the Special Rapporteur in the field of cultural rights: Visit to Malaysia" (10 January 2019) A/HRC/40/53/Add.1, para. 86.
46 A. Shaheed "Elimination of All Forms of Religious Intolerance" (n 30), para. 17.
47 Friends of Angola "Angola's government targets thousands of churches for closure, obstructs protests" (3 December 2018). Available at: https://www.friendsofangola.org/archives/11020.

preaching."[48] Muslim communities are singled out as facing even greater barriers to the establishment of a mosque for public worship,[49] while the participation of minors in religious activities is prohibited entirely.[50]

A second indirect trend is the forced closure of places of worship, without necessarily denying the existence or legitimacy of the religious community as such. The inability to publicly gather effectively blocks the primary function of a church. In Russia, religious groups are not permitted to own property, forcing many small faith communities to meet in residential buildings. In 2019, one pastor had his house sealed and threatened with demolition for hosting religious gatherings, culminating in an ongoing legal case before the European Court of Human Rights.[51] In other cases, the closure is claimed to be necessary for reasons of public safety or other societal regulations. Between 2018 and 2024, the Rwandan government shut down over 8,000 church buildings for alleged violations ranging from financial exploitation to noise and building code violations.[52] Several pastors were arrested for resisting this policy.[53] Similarly, in 2019 in Spain, 60 places of worship were threatened with closure for failing to meet extremely strict safety regulations targeted specifically at religious minorities.[54]

One of the most prominent justifications for bans on church gatherings in recent history was the COVID-19 pandemic. According to Pew Research, authorities in at least 46 countries used forcible means such as arrests and detentions to enforce pandemic-related restrictions on religious gatherings.[55] A blanket ban on church services was lifted in Scotland after a coalition of religious leaders challenged its legality and proportionality. The court asserted that "while certain church practices – the reading of prayer, preaching and teaching – may be observed, or even, in the case of live streaming, participated in to a certain extent, on a computer screen or a television whilst alone, in the solitude of one's own home, that does not amount to collective worship." The prohibition on church services therefore prevented "essential features of worship" from taking place,

48 Law 739 (2009) on Conscience and Religious Associations, art. 4(9).
49 Id., art. 11.
50 Id., art. 4(15).
51 Alliance Defending Freedom International "Russian pastor may be forced to tear down his house for hosting religious services". Available at: https://tinyurl.com/nwwsm4ds.
52 Republic of Rwanda "Frequent questions on inspection and closure of prayer houses". Available at: https://tinyurl.com/yxy2bhv3.
53 L. Markoe "Rwanda closes hundreds of churches and arrests pastors" (7 March 2018) Religion News Service. Available at: https://tinyurl.com/5wb86569.
54 Alliance Defending Freedom International, World Evangelical Alliance, Alianza Evangelica Espanola "Joint Submission to the 35th Session of the Human Rights Council's Universal Periodic Review Working Group" (July 2019) Joint Submission 16. Available at: https://tinyurl.com/3rxzszxy.
55 S. Majumdar "How COVID-19 Restrictions Affected Religious Groups Around the World in 2020" (29 November 2022) Pew Research Center, 7.

fundamentally undermining the applicable right.[56] A similar ruling was reached in the canton of Geneva, Switzerland.[57]

Pandemic-related measures also reinforced existing discrimination against particular religious groups. Algeria, a country with a long history of arbitrary closures of non-Muslim religious buildings, temporarily suspended activity at all places of worship due to the virus. However, when the time came to reopen, only mosques were permitted to do so, with 47 Christian churches remaining shut indefinitely.[58] Globally, religious groups filed lawsuits or otherwise publicly spoke out against church restrictions in 54 countries, often complaining of discriminatory treatment compared to other religious groups or secular gathering places such as shops and restaurants.[59]

From the perspective of international law, absolute restrictions on church freedom are never permitted, as they go beyond reasonable limitations to effectively "vitiate the rights guaranteed in Article 18".[60] Absolute restrictions also inherently infringe upon several other rights, including the rights to freedom of expression, peaceful assembly, and association. Additionally, as this chapter's survey demonstrates, most cases of absolute restrictions constitute forms of implicit or explicit discrimination on the basis of religion, a further violation of international law.[61]

It may be argued that certain pseudo-absolute restrictions, such as the closure of church buildings, may be justified in principle, as they do not directly target the existence of the community. However, it is extremely difficult to demonstrate that such restrictions are necessary and proportional to a legitimate aim, according to the threshold articulated in the previous chapter. Thus, for instance, overly broad registration measures are often defended as necessary to prevent religious extremism and radicalization. However, research suggests that stricter registration policies are actually correlated with an *increase* in religion-related violence, as well as increased discrimination against minority religions.[62] Similarly, where a legitimate concern for public health is identified, as in the case of the COVID-19 pandemic, the preservation of health should be achieved through the least restrictive means possible, such as mask mandates, social distancing, or other par-

56 Philip and others v. Scotland [2021] CSOH 32, P74/21, para. 61.
57 Catholic News Agency "Swiss court suspends public worship ban in Geneva" (5 December 2020). Available at: https://tinyurl.com/2khx8t9w.
58 M. Windsor "Convenient COVID-19 Closures: The Contrivance of Scotland and Algeria to Close Churches" (6 April 2021) Providence Magazine. Available at: https://tinyurl.com/6r2uuby7.
59 S. Majumdar "How COVID-19 Restrictions Affected Religious Groups Around the World in 2020" (n 55), 7.
60 UN Human Rights Committee "General Comment No. 22" (n 17), para. 8.
61 ICCPR, arts. 26, 27.
62 E. A. Clark "Registration and Deregistration of Religious or Belief Communities and Security" (19 November 2020) International Center for Law and Religion Studies. Available at: https://tinyurl.com/y8rwcfua.

tially restrictive measures as appropriate to the situation, without demanding a total ban on public worship.[63]

States are accountable for human rights violations not only in law but also in practice. A measure which formally appears to accommodate church freedom may nevertheless manifest itself as an absolute restriction in practice, such as when combined with excessively strict or discriminatory registration procedures. Even when bypassing the *de jure* impermissibility of explicitly absolute restrictions, the heavy burden of justification demanded by such measures makes their implementation unacceptable in all but the most extreme cases.

4. Autonomy restrictions: State interference in church activity

The second group of trends may be labelled as autonomy restrictions. These are laws or regulations that interfere, either directly or indirectly, with church autonomy, defined as "the right of religious communities to decide upon and administer their own internal religious affairs without interference by the institutions of government".[64] These restrictions range from explicit government control over church doctrine, leadership, or practice to the intrusive surveillance and monitoring thereof. This has the effect of undermining individuals' freedom to communally "manifest [their] religion or belief in worship, observance, practice and teaching".[65] It also undermines the freedoms of association and assembly. As Cole Durham noted:

> For a state to impose pressures for a religious community to organize in a particular way, particularly if this is inconsistent with the religious community's religious beliefs about how it should be organized, would invariably alter the nature of the community, and cause it to be something other than it would be under conditions of freedom.[66]

Global trends reveal both direct and indirect forms of autonomy restrictions. Some trends amount to a direct interference with the functions of a church. The most obvious examples are cases of official state religions, where the state maintains direct control over the religious institution. The degree of active control varies, from the near-total control found in several Islamic states, such as Iran

63 See e.g. Constitutional Chamber of the Geneva Court of Justice, Brunisholz et al. v Conseil d'Etat, No. ACST/40/2020, 3 December 2020, 6(a).
64 M. Chopko "Constitutional Protection for Church Autonomy: A Practitioner's View" (May 1999) Second European American Church/State Conference, 2-3.
65 ICCPR art. 18(1).
66 W. C. Durham "The Right to Autonomy in Religious Affairs: A Comparative View" in G. Robbers (ed), *Church Autonomy: A Comparative Survey* (Peter Lang 2001), 26.

and Afghanistan, to largely ceremonial affiliation, such as with the Church of England. Although international law does not prohibit the existence of state religions, the state must nevertheless maintain the freedom of individuals to practise religion outside of state-sponsored institutions. Individuals are free to adhere to a state religion but cannot be coerced into doing so, nor can the state discriminate against persons belonging to other communities.[67] This principle is violated by laws enforcing religious punishments irrespective of the faith of the alleged culprit.

For instance, Iran's Penal Code imposes imprisonment or even the death penalty upon "anyone who insults the sacred values of Islam or any of the Great Prophets or [twelve] Shi'ite Imams or the Holy Fatima".[68] Non-Muslim communities, or those adhering to different interpretations of Islamic doctrine, are thereby stripped of their religious autonomy, with their members being condemned for failing to submit to the religious principles as dictated by the state.[69] State control over religion can also manifest in the exclusion of certain groups from taking part in shared practices. In Pakistan, the Ahmadiyya community is deemed illegitimate by the state, and its members are barred from entering mosques, celebrating religious holidays, and joining in other Muslim customs.[70] A 1984 ordinance amended the Pakistani Penal Code to explicitly criminalize any instance of an Ahmadi Muslim "calling himself a Muslim or preaching or propagating his faith".[71]

Direct state interference is also present in secular states such as China, where the government exerts active control and influence over religious communities through its "Sinicization" policy, aimed at aligning religious practice and doctrine with the state ideology. This includes strict control over preaching, retranslation of religious texts to remove language at odds with Communist Party values, as well as the removal or replacement of religious symbols.[72] Clergy and other staff must adhere to strict rules, including demonstrating that they "love the motherland, support the leadership of the Chinese Communist Party, support the socialist system, [and] respect the Constitution, laws, regulations and rules." [73] They must

67 UN Human Rights Committee "General Comment No. 22" (n 17), para. 9.
68 Islamic Penal Code of the Islamic Republic of Iran, art. 513.
69 SIHA Network "A Collaborative Civil Society Statement in Response to The Law of Various Amendments (Abolishing and Amending Provisions Restricting Freedom): Exposing a wolf in sheep's clothing" (July 2020). Available at: https://tinyurl.com/45vd3cm7.
70 M. K. "Discrimination, Marginalisation and Targeting of Ahmadi Muslim Women in Pakistan" (December 2020) Coalition for Religious Equality and Inclusive Development: Policy Briefing 4.
71 Ordinance No. 20 (1984), art. 3.
72 T. Harvey "The Sinicization of Religion in China" (September 2019) 8 Lausanne Global Analysis 5. Available at: https://tinyurl.com/mur6fbjy. For a detailed analysis, see R. Madsen, ed., *The Sinicization of Chinese Religions: From Above and Below* (Brill 2021).
73 E. Allen "China's new oversight body fuels fears about religious freedom" (3 May 2021) Crux. Available at: https://tinyurl.com/tvxd97w2.

also resist and counter "illegal religious activities and religious extremism and … infiltration by foreign forces that use religion", effectively barring any interaction with unregistered churches or international religious entities.[74] Other examples include Tajikistan, where the State Committee for Religious Affairs exerts direct control the activities and maintenance of churches,[75] including approval of all religious literature via "state theological expertise".[76] A more subtle form is found in Western Thrace, Greece, where the minority Muslim community may appoint its own religious authorities (*muftis*), but all the muftis' staff – from clerks to archivists – are state-appointed, undermining true organizational autonomy.[77]

Other autonomy restrictions are indirect, relying on monitoring and bureaucratic barriers to exert influence over church functions. In August 2021, France implemented a controversial anti-separatism bill intended to "reinforce secularism (*laicité*) and neutrality", in the aftermath of a series of violent extremist attacks. The bill permits authorities to monitor religious teaching for "hate speech", requires churches to declare foreign funding, and makes registration of religious associations conditional on signing a "contract of Republican commitment".[78] In Kyrgyzstan, registering religious associations are required to provide the government with a detailed list of members, including names, place of residence, and passport information, as well as information on funding sources and core doctrines.[79] Foreign religious organizations must also provide detailed information and risk having their country activities suspended if they are deemed to pose a threat to society.[80] In February 2025, a new set of laws entered into force, further expanding the government's capacity to monitor and interfere with the activities of religious associations.[81]

Concerns over radicalization and "religious extremism" are often used to justify these measures. China's 2018 Counter-Terrorism Law empowers the state to "address both the symptoms and root causes" of extremism, including by combating extremism resulting from "distorting religious doctrine"; the goal is to "eliminate the ideological basis of terrorism".[82] The law establishes a national counter-terrorism intelligence centre, which is provided with sweeping surveillance and investigatory

74 Id.
75 M. Baryam, J. Kinahan "Tajikistan: Religious freedom survey" (22 December 2020) Forum 18. Available at: https://www.forum18.org/archive.php?article_id=2625.
76 Law 739 (2009) on Conscience and Religious Associations, art. 22.
77 Daily Sabah "Greece causes outrage over violation of Muslim community's rights" (24 June 2019). Available at: https://tinyurl.com/yeym6mz3.
78 Vie Publique "Loi du 24 août 2021 confortant le respect des principes de la République" (25 August 2021). Available at: https://tinyurl.com/4tv25n7e. See also N. Lefevre "French secularism and the fight against separatism" (2021) 14 IJRF 1/2, 69-83.
79 Kyrgyzstan Law on Freedom of Religion and Religious Associations (2008, last amended May 2021), art. 9.
80 Id., art. 11.
81 OHCHR News "Kyrgyzstan: UN rights experts dismayed by new restrictions on freedom of religion or belief" (27 February 2025). Available at: https://tinyurl.com/yepnmz8n.
82 Counterterrorism Law of the People's Republic of China (2018 Amendment), art. 4.

powers.[83] In Russia, a 2019 decree required all religious organizations to install security and surveillance systems, purportedly to protect against terrorism.[84] In Vietnam, religious groups, particularly those comprising ethnic minorities, receive extensive government surveillance,[85] which reportedly includes monitoring private phone conversations, as well as arbitrary arrests and interrogations of pastors.[86]

Unlike absolute restrictions on church freedom, autonomy restrictions are not inherently incompatible with international human rights law, as they merely limit rather than completely prohibiting the manifestation of religion or belief in one's community. However, "Such controls should only be permissible to the extent they are accepted autonomously, or to the extent they can otherwise be justified under international instruments."[87] In addition to the threshold articulated previously, many autonomy restrictions limit the freedom of peaceful assembly and association and therefore must also be "necessary in a democratic society".[88] Specifically, they must be "necessary and proportionate in the context of a society based on democracy, the rule of law, political pluralism and human rights, as opposed to being merely reasonable or expedient."[89]

As noted previously, national security is not a permissible ground for the limitation of church freedom. It may be argued that concerns for radicalization and religious extremism justify limitations in the name of public order or public safety. However, the claim that increasing government interference would reduce these risks is unfounded and appears to contradict mainstream research. A 2012 cross-regional study identified a number of "pathways" by which state restrictions may inadvertently increase radicalization and violence, while greater religious freedom tends to result in legitimate political engagement and a gradual moderation of radical elements.[90] In her 2024 thematic report, the current Special Rapporteur, Nazila Ghanea, highlighted the critical role religious freedom plays in contexts of conflict through "the liberation of the conscience" as well as "expanding language so that people are able to articulate visions of positive peace and sustainable peace".[91]

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83 Id., chapters 4 and 5.
84 The Moscow Times "Russian Orthodox Church Steps Up Surveillance Under Government Anti-Terrorism Orders" (26 February 2020). Available at: https://tinyurl.com/y96kytw3.
85 Human Rights Watch "Vietnam: Events of 2020" (2021) HRW World Report 2021. Available at: https://tinyurl.com/4mw5cwnr.
86 See e.g. Montagnard Foundation "Montagnards: Vietnamese Military Purchases Spy Equipment Used for Persecution" (24 August 2006) Unrepresented Nations & Peoples Organization. Available at: https://unpo.org/article/5234; Union of Catholic Asian News "Vietnamese pastor released four years after arrest" (5 October 2020). Available at: https://tinyurl.com/sb6m32ws.
87 W. C. Durham "The Right to Autonomy in Religious Affairs" (n 66), 27.
88 ICCPR, art. 21, 22.
89 UN Human Rights Committee "General Comment No. 37: Article 17 (Right to Peaceful Assembly)" (17 September 2020) UN Doc CCPR/C/GC/37, para. 40.
90 P. Henne, S. Hudgins, T. Shah "Religious Freedom and Violent Religious Extremism: A Sourcebook of Modern Cases and Analysis" (December 2012) Berkley Center: Religious Freedom Project, 7-11.
91 N. Ghanea "Peace and Freedom of Religion or Belief" (18 July 2024) UN Doc A/79/182, para. 69.

A second justification employed by states is that certain restrictions are necessary for the sake of so-called "inter-religious harmony". This argument is typically related to the permissible ground of public order.[92] Unlike the national security argument, the concern is not violence per se but rather a positive case for the peaceful co-existence of diverse religious groups. However, this argument fails in two regards. First, as illustrated in the cases above, the actual prohibitions that states impose tend to be overly broad or discriminatory, thus failing to meet the other criteria set out in international law. Second, conceptually, "religious harmony" is both unsustainable and normatively meaningless in the absence of respect for human dignity, which in turn "is not conceivable without recognition of every human being's freedom to communicate about issues of religion or belief, including the right to try to persuade others in a non-coercive manner."[93] Therefore, autonomy restrictions aimed at protecting religious co-existence frequently become self-defeating, as such measures stifle the free discourse necessary to produce and sustain religious pluralism in the first place.

In a 2018 report, Shaheed observed a strong correlation between the degree of state interference and its "entanglement" with religion, either positive or negative.[94] Five years prior, Heiner Bielefeldt, another former Special Rapporteur on freedom of religion or belief, made the "controversial" claim that "the state should not identify itself with one particular religion or belief and, in this specific sense, should remain neutral."[95] Far from a non-committal neglect of religious matters, or an active exclusion of religion from the public square, this neutrality entails a state's commitment to "respectful non-identification", refraining from interference out of a positive consideration for religious freedom. Both the maintenance of a state religion and the suppression of religious activity in the name of "doctrinal secularism", while not themselves violations, may nevertheless open the door to unjustified restrictions on church autonomy.[96]

5. Indirect restrictions: Limitations on related human rights

The final collection of trends can be referred to as indirect restrictions. These are restrictions on related human rights that have a collateral impact on church freedom. As articulated in the previous section, some rights, such as freedom of peaceful assembly and association, are inseparably linked to church freedom

92 H. Bielefeldt "Elimination of All Forms of Religious Intolerance" (13 August 2012) UN Docs A/67/303, para. 52.
93 Id., paras. 53-55.
94 A. Shaheed "Report of the Special Rapporteur on Freedom of Religion and Belief" (28 February 2018) UN Docs A/HRC/37/49, 4-8.
95 H. Bielefeldt "Misperceptions of Freedom of Religion or Belief" (February 2013) Human Rights Quarterly 35 (1), 52.
96 Id., 52-56.

and relevant in almost all cases. In contrast, other rights intersect with church freedom tangentially, with links becoming evident in specific contexts. Examples include, but are not limited to, restrictions on freedom of expression, the right to education, and the right to political participation.

5.1. Right to freedom of expression

Freedom of expression is among the rights most closely related to freedom of religion. Bielefeldt's 2015 thematic report on the subject observes that the common misperception of the two rights as competing or contradictory arises from an incorrect assumption about the nature of religious freedom and the obligations that arise from it. Specifically, the beneficiary of the right, and of the derived protections, is incorrectly understood to be the religion or belief as such, instead of individual rights-holders.[97] The resulting conclusion is that free expression must be restricted in order to prevent offence or disrespect towards the religion or its revered figures. In practice, this view engenders so-called blasphemy or "defamation of religion" laws, which "may result in *de facto* censure of all intra-religious or belief dialogue, debate and criticism, most of which could be constructive, healthy and needed".[98] In her 2024 report on hatred based on religion or belief, Ghanea highlights "numerous examples of persecution of religious minorities or dissenters, but also of atheists and non-theists, as a result of legislation on what constitutes religious offences or overzealous application of laws containing neutral language".[99]

According to the 2025 Freedom of Thought Report, anti-blasphemy laws exist in 92 countries around the world, violations of which may result in imprisonment in 66 countries, and the death penalty in seven. This includes countries with religiously homogenous populations such as Pakistan, as well as highly pluralistic societies such as Singapore.[100] In Qatar, Article 257 of the Penal Code criminalizes anyone who "establishes, organizes or runs an assembly, association, organization or a branch aimed at opposing or challenging the basics and tenets of Islam, or calls upon, or favours or promotes another religion; cult or concept".[101] In other cases, subjective language opens the door to arbitrary and inconsistent rulings. In Poland, Article 196 of the Criminal Code penalizes "offence to religious feelings", with a fine or up to two years in prison.[102]

97 H. Bielefeldt "Two Closely Interrelated Rights: Freedom of Religion or Belief and Freedom of Opinion and Expression" (23 December 2015) UN Doc A/HRC/31/18, 70.
98 N. Ghanea "Hatred on the Basis of Religion or Belief" (8 January 2024) UN Doc A/HRC/55/47, 30.
99 Id.
100 Humanists International 'The Freedom of Thought Report: Open Data' (2026). Available at: https://fot.humanists.international/data/.
101 Qatar Penal Code (2004), art. 257.
102 Polish Penal Code (1997), art. 196.

Several states specifically prohibit expression intended to persuade others of the truth of one's religion. In India, so-called "Freedom of Religion Acts", purported to target coercive or fraudulent conversion attempts, are employed by Hindu nationalists to discriminatorily target minority Christian and Muslim groups.[103] Cases have been filed against religious leaders merely for praying at a birthday party or other social event.[104] In Sri Lanka, a 2003 Supreme Court decision asserted that proselytism by a religion other than Buddhism "would not be permissible as it would impair the very existence of Buddhism or the Buddha Sasana", and a 2018 decision likewise held that Sri Lanka's constitution did not guarantee a "right to propagate one's religion".[105] Beyond the immediate prohibition, these laws tend to have a chilling effect on religious expression more broadly.[106]

Such restrictions are often justified on the grounds of interfaith harmony. Between 1986 and 2021, Malaysia prohibited the use of certain words, including Allah, in Christian publications. The ban was originally imposed to "ensure public order and avoid misunderstanding between Muslims and Christians", despite the lack of any tangible evidence of a threat in this regard.[107] In Singapore, the Maintenance of Religious Harmony Act permits the government to issue restraining orders against religious leaders for, *inter alia*, "causing feelings of enmity, hatred ill-will or hostility between different religious groups … while, or under the guise of, propagating or practicing any religious belief".[108]

Closely related, secular "hate speech" laws likewise threaten the freedom of expression of persons belonging to religious communities whose views are regarded as hateful, with no clear definition of this term. In Finland, Parliamentarian and former government minister Päivi Räsänen was prosecuted for quoting the Bible on social media as well as for a pamphlet she had written for her church over a decade prior, reflecting her deeply held beliefs on marriage and sexuality.[109] Even where laws do not result in convictions, they may still have a chilling effect on expression, as the fear of legal scrutiny or public backlash may stifle the voicing of one's beliefs.[110]

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103 T. Arora "India's Defiance of Religious Freedom: A Briefing on Anti-Conversion Laws" (February 2012) IIRF Reports 1(2), 5.
104 International Christian Concern "State in Heart of India Sees Highest Number of Attacks Against Christians" (3 April 2024). Available at: https://tinyurl.com/2dtw33hx.
105 A. Shaheed "Visit to Sri Lanka" (25 August 2020) UN Doc A/HRC/43/48/Add.2, para. 31.
106 H. Bielefeldt "Elimination of All Forms of Religious Intolerance" (n 92), para. 44.
107 I. Lim "Explainer: High Court's 96-page judgment on why Malaysia's 1986 'Allah' ban was quashed in Jill Ireland's case" (24 March 2021). Available at: https://tinyurl.com/2dp4t9u8.
108 Singapore 2001 Rev. Maintenance of Religious Harmony Act (SGP) art. 8.
109 Alliance Defending Freedom International "Finland's Supreme Court Acquits Parliamentarian on Bible Tweet, Convicts Her for 'Insult' in 20-Year-Old Church Booklet on Separate Charge" (May 2026). Available at: https://adfinternational.org/cases/paivi.
110 H. Bielefeldt "Elimination of All Forms of Religious Intolerance" (n 92), para. 44.

Both freedom of religion and freedom of expression are rights exercised in community with others.[111] Article 18 of the ICCPR expressly protects the freedom to collectively manifest one's religion *in public or private*, including through communicative outreach activities.[112] The Rabat Plan of Action, an international guidance document developed in response to these questions, reiterates that the freedoms of religion and expression are "mutually dependent and reinforcing".[113] Therefore, comprehensive church freedom also entails a freedom to collective expression, both internally among its members and externally to the public.

Unlike freedom of religion, freedom of expression can legitimately be restricted on the grounds of protecting national security, as well as "for respect of the rights and reputations of others", insofar as the limitations are provided by law and necessary.[114] However, restrictions with a bearing on religious freedom must be justified under both applicable provisions. Thus, the added leeway for limitations on expression cannot be employed to undermine church freedom.

5.2. Right to education

Restrictions on access to education are related to church freedom in at least two ways. First, some regulations specifically target, either implicitly or explicitly, religious schools and educational institutions. For instance, in March 2021, the Sri Lankan government announced plans to close more than 1,000 Islamic schools (*madrassas*), on the grounds that these were not registered and were allegedly not compatible with the national education policy.[115] In Uzbekistan, all religious education activities outside of government-approved institutions are designated as "illegal religious activities".[116] In neighbouring Kyrgyzstan, the involvement of children in religious activities is prohibited outright.[117]

Second, and relatedly, the imposition of compulsory educational curricula, based on either a state religion or a secular ideology, may interfere with parents' ability to direct the religious and moral education of their children. While this is principally an individual right, it is essential for safeguarding the capacity of a religious community to collectively educate their children in accordance

111 H. Bielefeldt "Two Closely Interrelated Rights" (n 97), 21.
112 H. Bielefeldt "Elimination of All forms of Religious Intolerance" (n 92), para. 26.
113 Human Rights Council "Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatred that Constitutes Incitement to Discrimination, Hostility or Violence" UN Doc A/HRC/22/17/Add.4 Appendix, 10.
114 ICCPR, art. 19(3).
115 B. Mallawarachi "Sri Lanka to ban burqas, close over 1,000 Islamic schools" (13 March 2021) Associated Press. Available at: https://tinyurl.com/33duss9e.
116 Uzbekistan Law on Liberty of Conscience and Religious Organizations (June 2021; unofficial translation). Available at: https://lex.uz/docs/6117508, art. 3.
117 Law on Freedom of Religion and Religious Associations (2008, last amended May 2021). Available at: https://cbd.minjust.gov.kg/202498/edition/1061634/ru, art. 4.

with their shared beliefs. In September 2017, several families belonging to a small Christian minority in Iran were forced to either agree to have their children take part in Shi'a Islam classes, from which they had been previously exempt, or be expelled from school, on the ground that their church was deemed an "illegal organization".[118] France's anti-separatism law adopted in August 2021 prohibited homeschooling on the basis of religious or philosophical conviction, purportedly to tackle "the development of radical Islamism" and to "strengthen respect for republican principles".[119]

The right to education is established in Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).[120] Its third paragraph affirms the right of parents or legal guardians to choose schools for their children "to ensure their religious and moral education in conformity with their own convictions", requiring only that these schools "conform to such minimum educational standards as may be laid down or approved by the state".[121] This right cannot be restricted on any grounds.[122] The fourth paragraph similarly prohibits interference with the liberty of individuals or bodies, including churches, to establish and direct educational institutions, subject to the same minimum educational standards.[123] According to the Committee on Economic, Social and Cultural Rights, which monitors implementation of the ICESCR, these "minimum standards" must correspond to the broader right to education and must "maintain a transparent and effective system to monitor such standards."[124] That is, these standards cannot be used to discriminate arbitrarily against members of certain religious communities, or religious educational institutions in general.

5.3. Right to political participation

The link between church freedom and political participation is self-evident, as religious beliefs can have an undeniable impact on political opinions and worldviews. Churches, merely by virtue of their existence, are likely to inspire political engagement by individual members as well as the community as a whole. This may range from a formal stance of the church, such as the Jehovah's Witnesses'

118 Christian Solidarity Worldwide "Iran: Christian children denied separate religious education" (7 September 2017). Available at: https://tinyurl.com/ywpu7h52.
119 Prefet de la Seine-Maritime "Law No. 2021-1109 of 24 August 2021 strengthening respect for the principles of the Republic known as the 'CRPR law'" (10 January 2023). Available at: https://tinyurl.com/ycyzc4u8.
120 International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR), art. 13.
121 Id., art. 13(3).
122 UN Human Rights Committee "General Comment No. 22" (n 17), para. 8.
123 ICESCR, art. 13(4).
124 Committee on Economic, Social and Cultural Rights "General Comment 13: The Right to Education" (8 December 1999) UN Doc E/C.12/1999/10, para. 29, 54.

commitment to the principle of "political neutrality",[125] to the more informal and varied influences of Christian denominations on politics in the United States.[126]

Many restrictions on church freedom are implemented in response to the real or perceived political influence of such faith communities. Additionally, churches may be subject to indirect restrictions aimed at removing their members' capacity for political engagement. In some contexts, political participation is limited to state-approved faith groups. In both Algeria and Pakistan, the constitution explicitly restricts eligibility for the position of head of state to Muslims.[127] The constitution of Thailand prohibits Buddhist monks and other clergy from voting in elections.[128] In November 2020, the government-controlled Supreme Sangha Council, the highest Buddhist authority in the country, ruled that monks could not participate in anti-government protests.[129]

Elsewhere, states rely on strong forms of secularism to limit the political influence of religious groups. The Mexican constitution establishes "the historic principle of separation between State and religion", according to which, *inter alia*, religious ministers cannot hold public office, "join together for a political purpose", or "proselytize in favour of a certain candidate, party or political association, or against them".[130] In November 2021, six Catholic religious leaders, including two cardinals, were convicted by the national Election Tribunal after voicing public criticism of the ruling party's stance on a number of social issues and encouraging voters to pray for spiritual discernment in their decision. One tribunal judge asserted that "votes aren't celestial or spiritual things" and that it was "logical" that "celestial inspiration is not going to cause the best people to be in popularly elected positions."[131] Also in 2021, a mayoral election in the Tlaquepaque municipality was nullified after a winner had already been announced and sworn in, on the basis that a cardinal had posted a video on Facebook urging voters not to vote for the opposing party. This was deemed adequate to invalidate the election as a whole.[132] Political participation by churches was perceived not merely as inappropriate, but as actively harmful to the integrity of the political process, reflecting the anti-clerical roots of Mexican secularism.[133]

125 Watch Tower Bible and Tract Society of Pennsylvania "Why Do Jehovah's Witnesses Maintain Political Neutrality?" (2024). Available at: https://tinyurl.com/3wvz4htz.
126 M. Rotolo, G. Smith, and J. Evans "8 in 10 Americans say religion is losing influence in public life" (15 March 2024) Pew Research Center, 44-54.
127 Constitution of Algeria (2020), art. 87; Constitution of Pakistan (1973), art. 41.
128 Constitution of Thailand (2017), art. 96.
129 P. Thepgumpanat, "Thai monks ordered not to join protests" (11 November 2020) Reuters. Available at: https://tinyurl.com/bddea485.
130 Constitution of Mexico (1917), art. 130.
131 Catholic World Report "Mexican cardinals and bishops convicted for denouncing pro-abortion, socialist government" (7 December 2020). Available at: https://tinyurl.com/3xkzm8j3.
132 Infobae "TEPJF annulled elections in Tlaquepaque because Archbishop Sandoval Íñiguez urged not to vote for Morena" (1 October 2021). Available at: https://tinyurl.com/3r48vf2w.
133 R. Torre et al. "Religious Diversity and its Challenges for Secularism in Mexico" (18 October 2017) International Journal of Latin American Religions 1, 180-199.

The right of citizens to participate in public affairs and to vote, as articulated in Article 25 of the ICCPR, is to be granted "without any distinctions mentioned in Article 2", which includes on the basis of religion, "and without unreasonable restrictions".[134] According to the Human Rights Committee, "Any conditions which apply to the exercise of the rights protected by Article 25 should be based on objective and reasonable criteria."[135]

Studies suggest that increased political participation by diverse religious groups is correlated with more moderate doctrinal positions and reduced religious violence.[136] In her 2024 report "Peace and Freedom of Religion or Belief", Ghanea recognized the danger of "the political instrumentalization of division, hatred and othering on the basis of religion or belief". However, her proposed response is not the exclusion of religion from the political sphere, but rather the need for greater freedom of thought, conscience, religion, and belief, in order to promote "alternative movements and pro-peace narratives", as well as to "legitimize and preserve social order or challenge society and government".[137] Relatedly, in her 2023 report, the Special Rapporteur highlighted the danger faced by religious minorities resulting from political discourse that encourages discrimination or even violence against them in the interest of garnering popularity.[138] Consistent with the maxim of "more speech, not less"[139], the capacity of church communities to participate actively in political discourse to counter such expression is essential for their self-preservation in a hostile political landscape.

6. Conclusion

While this survey of key trends is by no means exhaustive, it provides a sufficient scope to draw some general conclusions regarding the global state of government restrictions on collective religious freedom, as well as insights regarding possible responses to such phenomena.

Government restrictions on collective religious freedoms can be broadly categorized into three types: absolute restrictions, autonomy restrictions, and indirect restrictions. Whereas absolute restrictions are inherently incompatible with the right to freedom of religion or belief, autonomy restrictions may be justified insofar as they adhere to the narrow scope of permissible limitations set out in international law. Indirect restrictions are related to adjacent human rights such

134 ICCPR, arts. 2, 25.
135 Human Rights Committee "General Comment No. 25" (27 August 1996) UN Doc CCPR/C/21/Rev.1/Add.7, para. 4.
136 P. Henne, S. Hudgins, and T. Shah "Religious Freedom and Violent Religious Extremism: A Sourcebook of Modern Cases and Analysis" (December 2012) Berkley Center Religious Freedom Project, 7-11.
137 N. Ghanea "Peace and Freedom of Religion or Belief" (n 91), para 61.
138 N. Ghanea "Freedom of Religion or Belief, From the Grass-roots" (19 July 2023) UN Doc A/78/207, para 67.
139 See also UN Secretary General "United Nations Strategy and Plan of Action on Hate Speech" (18 June 2019).

as freedom of expression, education, and political participation and must therefore be justified under all applicable legal criteria, in addition to those required by direct restrictions. In all cases, the burden of proof is placed squarely on the government to justify its imposed restrictions, not on the religious community to justify its collective exercise of human rights.

Many of the justifications given by states reflect a widespread lack of understanding or wilful neglect of international obligations, a distorted perception of religion or specific religious communities as an inherent threat to the state or society, and/or a tendency towards the ambiguous application of laws and policies in a manner that results in overly broad or discriminatory *de facto* restrictions on religious freedom and related rights. These shortcomings are identifiable in every region of the world, including in states that purport to act as champions of religious freedom domestically or internationally.

The derived classification of global trends opens the door to more in-depth research into each type, as well as the interplay between them. In particular, exploration into how national, regional and international accountability mechanisms interpret distinct violations in practice would help to strengthen the proposed model. Further investigation of state justifications for restrictions on church freedom would enhance analytical depth and add nuance to the discussion.

These conclusions also have ramifications for human rights advocacy, presenting a threefold challenge to the international community aimed at greater recognition of and respect for church freedom. First, governments must be held accountable for specific human rights violations and called upon to rectify such situations. Second, proactive efforts must be directed towards addressing the underlying causes and risk factors that lead to such restrictions. This includes, *inter alia*, countering false narratives surrounding religious communities and the alleged dangers of church freedom, as well as implementing national legal safeguards which can serve to prevent the abuse of laws and policies in practice. Third, at a broader level, a shift in the global narrative surrounding freedom of religion is needed, developing a more responsive international system wherein states hold one another accountable and where the promotion and protection of religious freedom is viewed as a strategic priority in bilateral and multilateral settings. The role of civil society in achieving these objectives cannot be overstated.