

Freedom of Religion International – Finding Pathways to Enforce Freedom of Religion Protections by the International Community

Freedom of Religion is mainly regulated domestically and legal debate and scholarship mostly focus on domestic legal frameworks as a means to preserve it. However, in a global governance world, international or regional transnational institutions play a significant role in the development of freedom of religion as exemplified by *Ewieda*. This leads to the question of what other tools, originating from international law, have potential to promote protection of freedom of religion in the international sphere.

Turning to tribunals such as the European Court of Human rights is one possible tool, but many other avenues can be envisioned. The paper will hope to provide an overview on this issue, using practice and examples from similar fields, aiming to provide a basis for further research and exploration.

The analysis will first survey protections afforded by international treaties to freedom of religion on international and regional levels. Serious freedom of religion violations can be defined as war crimes, and the second stage of analysis will discuss under which circumstances this will be the case. Defining violations as war crimes would not necessarily simplify enforcement and the discussion will consider the practicalities of using existing mechanism of enforcement of international criminal law for this purpose.

International criminal law is not the only tool designed to address international rights violations, and the third section of the paper will look at options created by international civil litigation. Possible options include the domestic level, such as basing a claim on the Alien Tort Statute or the Torture Victim Protection Act in U.S. federal courts and similar domestic legislation in other countries, or on the international level, by states using dispute resolution provisions, referring to international tribunals, in international treaties.

Learning from practice relating to similar human rights, litigation is not always the optimal method. One major alternative is to deploy political means using legal tools. The fourth section will discuss existing mechanisms, such as the U.S. State Department International Religious Freedom Report, and explore new suggested ones, such as an international treaty dedicated to freedom of religion, including enforcement and review mechanisms.

Ultimately, any suggested tool should not only be useful but also legitimate for states, still considered to be a major component of the international community and the development of international law. The final section of the paper will summarize the different options with an emphasis on how these can be modified to address the interests of states, meanwhile maintaining their usefulness in protecting religious rights.

Development and advancement of freedom of religion on the domestic level is far from perfect but it has made great strides, mostly due to extensive and well founded scholarly research, resulting in progressive case law. It is time to take the next step and

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utilize these developments to use international law and international political tools to "spread the word" globally. Hopefully the paper will be a starting point in doing just that.