
FREEDOM OF RELIGION OR BELIEF: PROMOTING PEACEFUL COEXISTENCE THROUGH HUMAN RIGHTS

November 8, 2016
Sala Aldo Moro, Ministry of Foreign Affairs and International Cooperation
Rome, Italy



A conference convened by the International Development Law Organization (IDLO) in collaboration with the Italian Ministry of Foreign Affairs and International Cooperation.

INDEX

1. Introduction	2
2. Statements	4
3. Agenda	17



1. INTRODUCTION

Seeking to contribute to international discussions on the promotion and protection of the right to freedom of religion or belief, the International Development Law Organization (IDLO), jointly with the Italian Ministry of Foreign Affairs and International Cooperation, organized a high-level half-day conference in Rome titled “Freedom of Religion or Belief: Promoting Peaceful Coexistence through Human Rights”, to discuss the role of the rule of law in enabling the right to freedom of religion or belief.

The event marked the launch of IDLO’s report *Freedom of Religion or Belief and the Law: Current Dilemmas and Lessons Learned*, a study offering informed reflections on the critical importance of religious tolerance in contributing to respect for other human rights and strengthening good governance, the rule of law, and peace and security.

Based on the findings of IDLO’s study, a panel discussion explored the legal and human rights aspects surrounding the promotion and protection of freedom of religion or belief at the international and national levels.

IDLO’s report intends to contribute to the public debate by showing that just and equitable rule of law frameworks are essential in order for societies to safeguard the right to freedom of religion or belief, and to balance this right fairly with other rights and interests. Strong legal frameworks can also help to reduce the capacity of extremist organizations to draw public support and legitimacy from politicized religious rhetoric.

CONTEXT

The right to freedom of religion or belief is one of the basic human rights to which every individual is legally entitled in the spirit of the Universal Declaration of Human Rights and the articulation of human rights in international, regional and domestic law. The international community has taken practical measures to ensure that the right to freedom of religion or belief is effectively promoted and protected through international conventions, agreements and diplomatic processes, for instance, Article 18 of the International Covenant on Civil and Political Rights (ICCPR), UN Human Rights Council Resolution 16/18, the Istanbul Process for Combating Intolerance and Discrimination Based on Religion or Belief, and the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, among others.

Serious violations of this right can disrupt the enjoyment of other human rights, undermine the equal protection of the law, which is founded on equal treatment and non-discrimination, as well as challenge democratic governance, peace and stability. In some instances, entire

communities of co-religionists have suffered discrimination or outright persecution that has triggered protracted violence, even armed conflict, particularly where the grievances of a religious minority are rooted in persistent and serious social, economic, legal or political inequality. Too often, extreme expressions of religious hatred can incite violence, which in turn can feed into the politicization of religious ideology, extremism and even genocide. Voices promoting tolerance, moderation and interfaith and intercultural understanding and respect seem to get increasingly drowned out, undermining the full enjoyment of basic rights.

Recent studies have documented both the severity of the violation of the right to freedom of religion as well as the need to have effective legal and regulatory frameworks at international, regional and national levels to combat religious intolerance and promote religious freedom.

However, promoting religious tolerance can be a complex challenge. Violation of the right to freedom of religion or belief is often multifaceted and intertwined with a wide range of legal, policy and practical considerations. Governments continue to grapple with the challenge of balancing one person’s right to freedom of opinion and expression with another person’s right to freedom of religion, or balancing the protection of certain religious communities with principles of non-discrimination and equal protection of the law.

SETTING

The conference took place from 9.30 to 13.00 on Tuesday, November 8, 2016, in the Sala Aldo Moro at the Italian Ministry of Foreign Affairs and International Cooperation in Rome.

The conference was divided into a first session composed of opening remarks, high-level statements and the presentation of IDLO’s study, which was covered by broadcast and print media. A second session consisted of an interactive panel discussion with faith representatives and experts on religious freedom and interreligious dialogue, held as a closed meeting.

IDLO’s report *Freedom of Religion or Belief and the Law: Current Dilemmas and Lessons Learned* (available for download at <http://www.idlo.int/publications/freedom-religion-or-belief-current-dilemmas-and-lessons-learned>) was distributed to participants during the conference.

Some 60 participants attended the conference. In addition to diplomatic representatives of the Rome-based missions to the Holy See, to the United Nations Agencies, and to Italy, participants also included representatives of Italian

institutions, faith-based and international organizations, civil society, think tanks and academia.

The first session was opened and moderated by H.E. Pietro Sebastiani, Director General for Development Cooperation at the Italian Ministry of Foreign Affairs and International Cooperation. His welcoming remarks were followed by statements from Mario Giro, Deputy Minister of Foreign Affairs and International Cooperation, Government of Italy; H.E. Nassir Abdulaziz Al-Nasser, High Representative for the United Nations Alliance of Civilizations; Dr. Katrina Lantos Swett, President of the Lantos Foundation for Human Rights and Justice and former Chair of the United States (US) Commission on International Religious

Freedom (2012-2013 and 2014-2015); and Irene Khan, Director-General of IDLO.

During the second session, which was moderated by Prof. Silvio Ferrari, Professor of Law and Religion at the University of Milan, a discussion was held among a panel of experts and faith representatives including Prof. Saul Meghnagi, Union of Italian Jewish Communities (UCEI); Yahya Pallavicini, President, Italian Islamic Religious Community (CO.RE.IS); Prof. Giancarlo Penza, Focal Point for International Affairs, Community of Sant'Egidio; and Rev. Nathan Walker, Executive Director, Religious Freedom Center of the Newseum Institute.

2. STATEMENTS

OPENING REMARKS FROM H.E. PIETRO SEBASTIANI, DIRECTOR GENERAL FOR DEVELOPMENT COOPERATION, ITALIAN MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION

I am very happy to open the proceedings to introduce IDLO's report on freedom of religion.

We welcome His Excellency Nassir Abdulaziz Al-Nasser and President Katrina Lantos Swett. In particular I would like to thank the Deputy Minister of Foreign Affairs and International Cooperation Mario Giro, and Irene Khan, Director-General of IDLO, for taking part in this panel. The presence of senior representatives from a number of organizations and institutions is a testament to how important the topic of this conference is. The contributions of the participants from the United Nations Alliance of Civilizations testifies to that organization's dedication to promoting dialogue among people, offering a global frame of reference for the topic of religious tolerance. At the same time, the participation by an expert like Katrina Lantos Swett, President of the Lantos Foundation for Human Rights and Justice and former Chair of the US Commission on International Religious Freedom, adds much in terms of content and authoritative experience to this discussion. The presence of Deputy Minister Giro and Director-General Khan illustrates the fruitful synergy of objectives between Italy and IDLO in putting together this report, which is very relevant in these particularly historic times that we are living in.

To understand the gravity of the situation today, we need only look at the conditions of religious minorities as a measure of the effectiveness of the guarantees put in place by the human right to religious freedom. It is painful to see the deterioration in the status of religious minorities, largely due to conflicts and political and social tensions. In such a context, the report that we are going to present today represents the contribution that Italy, making the most of IDLO's many competencies, wanted to make to the current international debate on this subject.

We believed that it was necessary to thoroughly explore the interactions between religious traditions and legal systems in order to understand the balance that we need to strike between the two souls of society. One of the key messages of the report, one of the four fundamental lessons indicated, is that religious tolerance is instrumental in building peaceful societies where diversity is a fundamental value of the legal and social systems. This aspect takes on crucial importance in peacebuilding. Peace means not only absence of conflict but also positive peace, which means development, prosperity and respect for human rights. This equation is therefore clear: without tolerance there can be no peace, and without peace there can be no development.

This is the reason why the Italian Development Cooperation has always been aware of the importance of these issues, an awareness that continues through support to today's initiative, of which we are very proud. My congratulations to IDLO and to Director-General Khan for publishing this report.

Thank you.

STATEMENT FROM MARIO GIRO, DEPUTY MINISTER OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION, GOVERNMENT OF ITALY

Ambassador Sebastiani, the High Representative of the United Nations Alliance of Civilizations, Madam Director-General Irene Khan, Madam President of the Lantos Foundation for Human Rights and Justice, dear friends, ladies and gentlemen.

It is with great pleasure and personal interest that I take the floor today at this conference to mark the launch of IDLO's report.

The nature of the link between religious freedom and the law is one of the crucial issues of our time. To better understand this link we need to explore social, legal, political and interfaith aspects. This is important for the future of our world, and it is the key to living together peacefully. Unfortunately, we see extremism, xenophobia, nationalism and ethnicism jeopardizing the social fabric of our societies and our coexistence. This is why Italy has supported IDLO's program on religious tolerance, which has been brought to its conclusion through this report. It is a valuable instrument that shows us the way toward achieving a sustainable balance between law and religious freedom. These topics, especially religion, are being talked about a great deal in order to guarantee and promote the peaceful coexistence of different communities and peoples. Religious freedom is unquestionably one of the most important human rights, but at the same time, unfortunately, it is also one of the most violated rights, and we have seen the sad consequences of this lately. History and dramatically also current events show us that denying the expression of this freedom, that is, violating this right, causes the humiliation of human dignity, violence, wars and hatred, and endangers the very existence of small communities and minorities.

We are living in a time of culturalism after having gone through the Cold War years, which were a time of so-called ideology. We now live in a time of the "geopolitics of emotions", in the words of Dominique Moisi. Unfortunately, however, we have seen the emergence of a strong push towards homogenization. People are closing themselves off behind walls and looking for purity: religious purity, ethnic purity and national purity. We are seeing the birth and rebirth – particularly in Europe it is the rebirth – of movements of nationalism. And nationalism, as it often happened in the past, can lead to wars because it translates into nationalism that is ethnic or religious in nature, exploiting anything in order to homogenize it. I would call it the nightmare of everything

being the same: people feel better if they are all the same, of the same belief system, with the same blood. But of course, we can never reach this goal. Differences exist and will always exist.

Also, the issue is not about having more or less secularity – which is a difficult word to translate between English and French, between the Anglo-Saxon and neo-Latin languages, so we can only imagine how difficult it is to translate into Arabic. The issue is about coexistence, living together.

History provides us with many examples of minorities living together peacefully, from times before the French Revolution, that is, before the concept of secularism was introduced. Therefore, I think what we are facing today is a crisis of democracy. Democracy entails living together in accordance with common rules even though we are different. Democracy, not secularity, is being jeopardized. When democracy is jeopardized by ethnic, religious or any other form of nationalism, it must be protected. That is why, through our support for this report, we wanted to explore the interactions between legal systems and religious freedom in order to better understand the practices and critiques. Certainly, this is a complex relationship, but it is important for politics and also for society.

That is why I underline the risk to democracy itself, rather than talking about secularism. What I see as being jeopardized is the possibility of living together by following common rules – what we call democracy. And of course, democracy can vary from one state to another. In Western Europe, not all democracies are exactly the same. For example, in Italy, we will soon be holding a constitutional referendum, which has given rise to debates and discussions on the quality of democracy because some laws may be amended.

The report we are presenting here today is not only, as I said earlier, the conclusion of a project, but it is also a scientific and educational starting point, a contribution from IDLO and Italy to the wider international debate on religion, peace and international security at a tragically dramatic time for this topic. To illustrate this we need only think about the Middle East, the Balkans and other regions that for decades have been suffering religious conflicts with tragic consequences. It is therefore important that Italy, not just as a State, but in all its governmental and non-governmental, institutional and non-institutional forms continues to play a role as a mediator and promotor of tolerance, sustainable models and peacebuilding where it is most needed.

Italy itself through its civil society, take for instance the community of Sant'Egidio, has for decades been organizing annual meetings on interreligious dialogue and

religious tolerance. Thanks to its strong partnerships with international organizations, especially the United Nations and the European Union, as well as with academia and civil society, Italy promotes initiatives involving countries suffering from interreligious conflicts. As Minister Gentiloni wrote in the foreword to the report, “freedom of religion is at the core of Italy’s foreign policy” and this will continue in the future as well. Religious tolerance is crucial, especially with respect to the protection of minorities. This is very topical now, given the brutal violence against minorities in several regions of the world. For instance, the violence during the nineties in the Balkans, or the situation now in the Middle East, where terrorist groups like Daesh are active in Syria and Iraq. Italy has focused on religious tolerance at the cultural level as well. As you know, we proposed the “Blue Helmets of Culture”, linking together cultural heritage and the lives of communities. Destroying cultural heritage destroys not only ancient stones, but it also destroys the vital historic memories of many communities. It precedes the destruction of the very life of a community.

In the Middle East, which is a cradle of monotheistic religions, there is an ancient mosaic of populations and minorities and many of these communities are found nowhere else in the world. The Yazidis are an example made particularly famous recently, but there are many other such groups: the Shabak people, the Mandaean and the Sabaeans. These communities live only in Syria and Iraq. If they disappear from there, they disappear forever. We are all concerned about biodiversity, but we should also be concerned about human diversity. Because whenever a population, a tradition or a culture disappears, we lose a piece of life and human history forever.

I consider significant the acknowledgement by the European Parliament of two young Yazidi women. I met one of them in New York two General Assemblies ago – Nadia Murad. She had been a sex slave of ISIS. I heard her tragic story and the many questions she had about the future.

This is of particular relevance for our discussion today. How will it be possible to live together in the future, after your neighbor has betrayed you? This is a major problem. We had the same problem in Europe after the end of World War II – how could we go back to living together peacefully after the horrible massacres carried out by Europeans against other Europeans, after all the hatred and the revanchism? The answer was a dream for unity called the European Union. Opposing and ending these phenomena clearly requires full commitment from all sides to help those who are persecuted and to offer, especially in the short term, humanitarian assistance, which Italy does. It also takes political will to find solutions that will promote intercommunity and interfaith coexistence in the medium and long run, so that broken

societies are able to rebuild themselves. Peace is the challenge we have before us, as Ambassador Sebastiani said, but one does not impose peace. One creates peace and the creation of peace is long, difficult work. Because wherever coexistence has been destroyed, rebuilding trust to enable it to rekindle takes a long time.

Religious tolerance is important to stimulate the development of a prosperous and dynamic society that can then become a vehicle to promote peace. There is no social peace without interfaith or interreligious peace. This is evident to everyone and it is true in every civilization.

I should mention here that I am quite skeptical about the term civilization itself, before I talk about whether or not there exists a clash of civilizations. What is the frontier of a civilization? Do the Yazidis belong to the Arab-Muslim civilization or to another? In the so-called Western civilizations, we have liberal and conservative groups – do such different communities belong under the umbrella of the same civilization? Where then are the borders of a civilization? Indeed, they are quite fluid. They are interconnected with the borders of other civilizations that are next to them. The challenge of homogenizing extremism, which calls for everything to conform, is present in every so-called civilization. There is no such thing as a clash of civilizations, there is a clash of human beings. That is why we have to have dialogue. In this sense, all international law, rules and legal systems that look after and guarantee religious freedom play a significant role. But as IDLO’s report emphasizes, a dominant and almost invasive role of norms and the State in religious practices is sometimes not a positive thing. IDLO’s report addresses this issue because there is an almost automatic desire in each of us to want to introduce laws and norms to regulate religious matters. In reality, this is not done through rules or at least not just through rules, but through the creation of peace that I mentioned earlier. This is one of the most critical aspects in the relationship between norms and protection. Real protection stems from the very heart of society. The report tries to outline the right balance between these two aspects: real life, and the rules that govern social life.

On the other hand, this is the very lesson of democracy. Democracy is not just about elections and the rights of the majority. It is a system of checks and balances that are then transformed into guarantees and norms at many institutional levels. There is also the fundamental guarantee that society itself will adopt and follow the values of coexistence.

The four fundamental lessons of the report can inspire new strategies to develop an effective system that guarantees human rights without violating any sphere of autonomy such as social autonomy or religious autonomy.

I believe the key aspects on which the relationship

between the system of law and traditions should be based on non-invasiveness, dynamism, promotion of diversity and stimulating knowledge.

Let us go back to the fundamental issue of getting to know each other and living together peacefully. I would like to end by stressing the role of religion in our society with regard to this point. I would like to look at religion not as a vehicle for war as it is often used, but as a mediator for peace that brings about the values of peaceful coexistence. Coexistence has been difficult throughout the history of mankind. Ever since we can remember, it has been and continues to be a challenge for human beings. Because absolute equality does not exist. Diversity is our destiny. The real issue is that living together must become the basis of our civilization. We will never have a

planet inhabited by the followers of just one religion, a so-called super-religion created at a table, or just one ethnic group or one idea or one nationality. The Italian government therefore deeply appreciates the value of this report. This is an important tool for lawmakers to take into consideration the challenges posed by the universal guarantee of freedom of religion and belief. My congratulations to Director-General Irene Khan and IDLO. I can only reiterate the ongoing commitment of Italy towards the imperative of guaranteeing every individual the right to exercise their freedom, including religious, without violence, without discrimination, without political pressure, without censorship, without persecution and without threat.

Thank you very much.

**STATEMENT FROM H.E. NASSIR
ABDULAZIZ AL-NASSER, HIGH
REPRESENTATIVE FOR THE UNITED
NATIONS ALLIANCE OF CIVILIZATIONS**

Ladies and Gentleman,

I am very pleased to be here to address this important theme: “Freedom for Religion or Belief: Promoting peaceful coexistence through Human Rights”.

First, I would like to express my deepest condolences to the government of Italy and the families of the victims of the recent earthquake that struck this country and left thousands of people displaced. It is in such moments that we must show solidarity with those who are suffering.

Throughout history, religion and belief have been powerful unifying forces, bringing people of different languages and cultures together to share values and traditions. However, beliefs and religion have also been source of divisions, resulting in religious conflicts and sectarian violence often targeted at religious minorities.

Modern armed conflict has included horrible examples of people being forced to leave their homes for fear of being targeted simply because of their religion. People have felt compelled to leave their homes and flee their countries, in particular where violent conflict has assumed a religious or sectarian dimension. Not only do they have to face the challenges related to these situations, as well as the loss of their loved ones and possessions, but they also have to cope with an increasingly polarized host societies where they may face further religious intolerance and discrimination.

Let me state very clearly as it is enshrined in article 3 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief that: “Discrimination between human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations.

The United Nations General Assembly adopted last year in December 2015, without a vote, two resolutions that stressed the advancement of a culture of peace and non-violence based on education, tolerance, dialogue and cooperation. The first resolution, titled “Promotion of interreligious and intercultural dialogue, understanding and cooperation for peace” condemns any advocacy of religious hatred which induced discrimination, hostility and violence, and stress the importance of mutual understanding and interreligious and intercultural dialogue

as important dimensions of the dialogue among civilizations and of the culture of peace.

Entire communities have suffered and are suffering discrimination or outright persecution. It is the obligation of States to protect their people and to provide them with the opportunity to enjoy the free exercise of their human rights, including the freedom of thought, conscience, religion or belief.

It is also the responsibility of the International Community to promote and ensure compliance with the international law and legal instruments, including those that guarantee freedom of religion or belief.

Yet we also know that ensuring that laws and policies concerned with freedom of religion or belief align fully with international human rights standards is not an easy task. The international community has repeatedly recognized the voluntary exercise of the right to freedom of religion or belief by enshrining it in article 18 of the Universal Declaration of Human Rights: “everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”.

At the United Nations, efforts continue to be made towards protecting the freedom of religion or belief. Each year, two resolutions are presented to the General Assembly and the Office of the United Nations High Commissioner for Human Rights), and adopted by consensus. United Nations Human Rights Council resolution 6/37 also mandated a “Special Rapporteur on freedom of religion or belief” to identify existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief and present recommendations on ways and means to overcome such obstacles.

The United Nations Alliance of Civilizations is also committed to promoting freedom of religion or belief at the international and national level. The Alliance looks at religious freedom through a lens of tolerance and diversity. In keeping with the human rights-based approach in general, freedom of religion or belief furthermore requires non-discriminatory implementation, which implies positive efforts towards overcoming all forms of discrimination. UNAOC is an active member of the Network for Religious and Traditional Peacemakers, and believes that broad interreligious and intra religious diversity is a stimulant necessary for profound theological or philosophical reflection and a precondition for productive exchanges.

It is in this spirit that I convened, in conjunction with the Secretary-General and the President of the General Assembly, a High-level Thematic Debate at the General Assembly In April 2015. At that event we met with religious leaders from all faiths. Regardless of their faith, all of the religious leaders who participated agreed that dialogues among people of different religions and cultures are the key to lasting peace. All reaffirmed the right to freedom of religion and all reaffirmed their commitment to the principles of the United Nations Charter and the Universal Declaration of Human Rights.

One year later, this sentiment was echoed at our 7th Global Annual Forum held in Baku on April 2016. The panel discussion dedicated to the role of religious leaders in preventing violent extremism outlined their important role in diminishing discrimination, marginalization, and opposition that feed violent sentiment. The outcome of the discussion was that religious leaders should encourage freedom of religion and belief, and that they should promote all religions as equal.

In May 2016, the Alliance and Religions for Peace co-organized a High-level International Consultation under the theme: “Partnering with Religious Leaders of the Middle East in Advancing the Protection of Minorities in Muslim Majority States”, where religious leaders from the Middle East addressed violent religious extremism by advancing full citizenship for all communities on the basis of the Marrakesh Declaration prior to the G7 Summit in Japan.

Today, voices promoting tolerance, moderation, interfaith and inter-cultural understanding and respect, seem to get increasingly drowned out, undermining the full enjoyment of basic rights. Too often, extreme expressions of religious hatred fan the flames of incitement to violence, which feed into the politicization of religious ideology, extremism, and even genocide. We hear increasing use of religion in rhetoric on national identity by political leaders. Many Governments promote certain religions in order to define and demarcate their national or cultural identity. Many States demarcate their national identity by drawing sharp distinctions between “national” religions worthy of support and “foreign” religions deemed dangerous or destructive to national cohesion and social inclusion. Such thoughts run counter to our collective respect for pluralism and diversity. Minorities, including religious minorities, add to any country’s mosaic and its richness.

It is appalling to see that in the current refugee crisis, many States fail to honor the responsibility they have in

accommodating refugees, including those who are fleeing massive violations of their freedom of religion or belief. Some Governments have opened their borders and demonstrated solidarity, while other States have indicated that they would be merely willing to accommodate refugees from certain religious backgrounds close to their predominant religious traditions.

It is to be noted that extremist and terrorist groups draw public support and legitimacy from politicized religious rhetoric to wipe out any traces of religious diversity. While stigmatizing members of religious minorities as “unbelievers” or “heretics”, they often attack people of the same religion to which they themselves belong, thereby creating a climate of fear in which no one can enjoy their freedom of religion or belief.

Last year, during the High Level Week of the 70th session of the United Nations General Assembly, Pope Francis urged more than 150 world leaders to protect religious minorities – and in many cases, members of the religious majority in the Middle East and Africa, with an allusion to the threat from groups such as ISIS.

Politicians worldwide must join their efforts towards promoting religious diversity as well as freedom of religion or belief. Religious tolerance is crucial in contributing to respect for other human rights and strengthening good governance, the rule of law, and peace and security. This is the only way to build inclusive societies and achieve peace. It also serves the implementation of the 2030 Agenda for Sustainable Development particularly goal 16 that aims at building peaceful, just and inclusive societies.

Ladies and Gentlemen, I would like to draw your attention on the crucial role that must be given to youth here. It is essential to provide young people with the adequate tools and instruments to understand freedom of religion or belief and promote it worldwide. In this context, I call upon the international community to develop and expand activities that can educate young people about religious diversity and contribute to building resilience against religious intolerance.

A country’s wealth lay in its youth, who should be at the heart of all peace processes. Let’s strengthen our commitment to young people who can build bridges and promote peace.

Before concluding I would like to commend IDLO for launching the report of Freedom of Religion or Belief and the Law.

Thank you.

STATEMENT FROM DR. KATRINA LANTOS SWETT, PRESIDENT OF THE LANTOS FOUNDATION FOR HUMAN RIGHTS AND JUSTICE AND FORMER CHAIR OF THE US COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM (2012-2013 AND 2014-2015)

It is a great pleasure for me to join you for this important IDLO conference to address the subject of freedom of religion and belief and how we can promote peaceful coexistence through human rights. I cannot think of a more perfect setting to address such an important topic than Rome, the eternal city, where for millennia people have grappled with the questions of both mortality and eternity in this place where all roads meet.

Many years ago, when I was a young, newly minted lawyer working on Capitol Hill, a fellow young lawyer once asked me a very interesting question: if God were to say to me that he would answer any one question that I had for him, what would I ask?

It is a very good question if you think about it, and I did think about it, long and hard. Initially, I thought I would ask about the big issues that we all grapple with. How can we achieve world peace or how can we eliminate poverty and hatred in the world? But as I thought about it more I realized that we know the answers to those questions. It's summoning the will to act on those answers that is the challenge. And so I ultimately decided not to ask any of the big, world-changing questions, but instead to ask God something much more personal. I would ask, what will be the greatest moral challenge of my life, and will I be equal to it?

I believe that perhaps the greatest moral challenge of our day will be how to defend religious freedom in a world that faces so many threats. In addressing this question I would like to begin with a story about my father, the late congressman Tom Lantos, who was a young Hungarian Jewish teenager in Budapest during the Second World War. Like thousands of other Jewish boys, he was rounded up and sent to a labor camp where he was conscripted to forced labor under brutal conditions. He rarely spoke about this time. One of his dearest companions later shared with us a story from those dark days. The Hungarian commander of my father's labor group had decided to burnish his reputation by forcing every Jewish boy in the barracks to be baptized into the church. My father and his childhood friend were the only two who refused. They were badly beaten for daring to put their faith above their physical safety. My father continued to

demonstrate courageous conscience throughout the remaining course of his life and almost 40 years later, he became the only Holocaust survivor ever elected to the United States Congress.

My father's story is a powerful one, but it is not unique. Through the work that I have done with the US Commission on International Religious Freedom I have been privileged to work with and on behalf of many people like my father who have been willing to pay any price to protect their fundamental right to freedom of religion, conscience and belief. And there can be no argument that freedom of religion is imperiled in many parts of the globe. The most obvious threats to freedom of conscience and belief come from the fanatical butchers of ISIS; not only have they committed acts of genocide against the Yazidian Christian communities of Syria and Iraq, atrocities that have shocked the world, but let us not forget that they have been equally brutal in their treatment of Muslims, whether Sunni or Shia, who do not bend to their extreme interpretation of Islam.

ISIS may be unequalled in the brutality with which they trample upon religious freedom, but there are widespread and deeply disturbing examples of this abuse in many places. According to research by the Pew Foundation, more than 70 percent of the world's population lives in countries that significantly restrict freedom of religion and belief. Widespread abuse of religious freedom exists in China, North Korea, Saudi Arabia, Iran, Sudan and Pakistan, to name just some of the more serious examples. Furthermore, countries like Russia and Turkey also engage in significant and unjustifiable restrictions on basic religious freedom rights. It is important to understand that this dire state of affairs regarding religious freedom is more than merely a regrettable affront to our values and aspirations. It poses a real and growing threat to our own freedoms and even to our national security.

Why is this so? Research has demonstrated a strong correlation between the robust protection of religious freedom and other vital social goods such as stability, prosperity, democracy and higher socio-economic status for women. The flip side of this coin is deeply worrying. Societies that restrict religious freedom become potential breeding grounds for instability, social tension and violent extremism. One need look no further than the daily headlines to find the proof of this reality. The protection of freedom of religion, conscience and belief should be a significant priority for all nations. To permit the rampant abuse of this essential human right not only violates the core of our humanity, it also does grave harm to the order and well-being of societies.

It does so politically as religious freedom abuses are correlated to the absence of democracy and broad political participation by religious and ethnic groups. It does so economically as religious persecution destabilizes communities and marginalizes the persecuted, causing their talents and abilities to go unrealized, robbing a nation of added productivity and reducing that nation's ability to fight poverty and create abundance for its citizens. It does so civically since wherever religious freedom is dishonored the benefit of religion in moulding peoples' characters is diminished and with it the self-discipline necessary to handle the rights and responsibilities of citizenship. And finally, it does so socially since wherever religious freedom is abused, peace and security become ever more elusive.

In other words, protecting religious freedom is not only a moral and humanitarian imperative but also a practical necessity, one that is key to a safer, more stable and more secure world. Yet for generations this simple but important insight has eluded, confounded or otherwise astonished foreign policy experts across western democracies, including many of those present here today. Perhaps it is because all too often they have denied or downplayed the extent of religious influence on people's lives.

To understand what I mean let us do a little thought experiment. Imagine being a diplomat schooled to believe that when push comes to shove, religion really doesn't matter too much. Imagine being taught to believe that the relentless march of modernization means the inevitable triumph of secularization. Imagine believing that in nearly every instance in which religion seems to be driving people it is actually economics that is decisive or, as some might say, the irresistible lure of cold hard cash or material gain or advantage. Imagine having all the tools needed to be a successful diplomat – intelligence and tact, sensitivity and manners, negotiation skills and perseverance – but still getting the religion equation wrong. I submit to you that in the real world, no matter how many skills one has, a lack of appreciation of the role of religion in the lives of people and nations is a recipe for failure.

On a micro level, picture being a diplomat from a nation in which religion permeates society. Imagine having to deal with earnest but often clueless western counterparts who cannot understand that you are serious about religion and your religious beliefs do impact your views of your country's foreign policy. Imagine having to deal with people who think that for you, surely religion is just a pose, surely you would not apply to policy issues the religion you are professing and surely being just as educated and urbane as they are, you are as far removed as they are from religious motivations. Needless to say, this cluelessness regarding religion can make for many tense

and embarrassing moments in diplomacy and can lead to less dialogue and more duologue: people speaking to, but perhaps more past, one another. That is at the micro level.

Let us bring this up to the macro level. Time and again western foreign policy experts have seemed like the proverbial deer in the headlights when confronting some of the major events of our time. Precisely because religion, the very thing we have a tendency to discount, plays such a pivotal role in so many of these events.

Some of you may recall the shock and disbelief that followed the fall of the Shah of Iran and his replacement by the Islamic fundamentalist regime of Ayatollah Khomeini, despite many signs that Khomeini's movement was on the rise. For years, much of our foreign policy establishment underestimated Khomeini's movement because it underestimated the power of religion in people's lives. One can only imagine the kinds of question that ran through the minds of some of our foreign policy experts. Why aren't the people of Iran satisfied with the Shah since he secured for them the material benefits of modernization? Why would they care so much about the Shah's banning of people wearing religious garb in public? And after Khomeini seized power, some of those same experts assumed that he would not impose his own views of religion on the entire country.

Surely, they reasoned, cooler heads would persuade him to moderate his views for the good of relations with the rest of the world. Surely a regime whose economy depended on other countries, especially western democracies buying its oil, wouldn't risk angering its foreign customers by imposing its own draconian religious interpretations on its people. How shocked many of our foreign policy experts were at the massive religious freedom violations and other human rights abuses that followed Khomeini's rise to power and have sadly continued ever since.

Foreign policy experts in Europe seemed equally surprised nearly a decade later about religion's role in the stunningly rapid succession of events in Central and Eastern Europe, culminating in the fall of the Berlin Wall and the lifting of the iron curtain and the demise of the Soviet Union. When the late great Pope John Paul II first stood up to Soviet tyranny in the early 1980s, few in the foreign policy field imagined how his actions would help religion-based freedom movements across the Soviet empire end its dictatorial reign. And it is equally clear, closer to my home, how the brutal reality behind 9/11 confounded the experts as 19 hijackers killed 3,000 Americans and themselves for no other reason than the belief that they acted in the name of God. Those who insisted it was mainly economic privation that drove people to join violent religious

extremist groups were dismayed to discover how many of the 9/11 hijackers grew up in families where there was no privation of any kind. Indeed, Osama bin Laden came from a tremendously wealthy and renowned family.

It has taken many decades, but today there is a growing understanding of what should be evident to all. One cannot conduct foreign policy with the rest of the world if one does not truly understand religion's pivotal role in the world. One cannot successfully support one's friends or oppose one's foes if one is dismissive of their religious motives. In other words, whether it is employed for good or for ill, religion matters greatly across the globe and thus we ignore it at our peril.

And because religion matters, so does religious freedom. People want, at least for themselves, the freedom to practice their religion as they see fit. But there is a second reason why religious freedom matters. Simply stated, religious freedom matters because whenever and wherever it is violated, real people suffer. When I look across the religious freedom landscape I continue to see the issue in terms of the real names and faces of the victims of abuse. I see Shahbaz Bhatti and Salman Taseer. In March 2011, the Pakistani Taliban murdered Bhatti, a Christian who was Pakistan's Minister for Minority Affairs, for speaking out against his country's blasphemy law and the death sentence for blasphemy that had been meted out to Asia Bibi, a Christian woman. Two months earlier, Salman Taseer, the Muslim governor of Punjab province, met the same fate for his own opposition to the same law and to the Bibi verdict. I see another noble soul, Gao Zhisheng, one of China's most respected human rights attorneys whose brave defense of people of various faiths continues to cost him dearly. After disbaring Gao, China's government imprisoned and tortured him and concealed his whereabouts for more than two years. I see Raif Badawi, a young Saudi blogger and humanist sentenced to 1,000 lashes and 10 years in prison for writing about the need for greater freedom of conscience and religion and democracy in the Kingdom of Saudi Arabia. And I know that members of the US Commission on which I served will never forget the day we met the relatives of members of the Yazidi religious community trapped in Iraq, who pleaded with the US to do something to save their loved ones' lives or have them released from slavery to ISIS.

So let me reiterate. Religious freedom matters because when it is abused, real human beings pay a terrible price. Whether their names are etched on gravestones or their faces stare at us from behind prison bars, we must never forget them. The French have a saying, "plus de choses changent, plus elles restent les mêmes". The more things change, the more they stay the same.

Arguments over the protection of conscience rights have been with us for a very long time and I believe that whatever the short-term expediencies, history has not ultimately been kind to those who would crush the religious freedom of others. I was reminded of this very vividly during a recent trip to Berlin. While on a tour of the city, I was struck by the comment of the guide that when the Edict of Nantes was revoked in 1685, thousands of persecuted Huguenots fled from France to the city of Berlin, where they then went on to start many of the industries that became the backbone of that region's economy. The Edict of Nantes, signed in 1598 by Henry the Fourth of France, had granted to the Calvinist Huguenots substantial rights in a nation that was overwhelmingly Catholic. This was a break from the long-standing doctrine that required subjects to follow the religion of their ruler, well expressed in the Latin phrase "cuius regio, eius religio", or "whose realm, his religion". The Edict of Nantes was an early advancement of the right to freedom of religion and its revocation was a huge step backward. Furthermore, and this is the key point I wish to make, it was France that ultimately paid a price for driving the Huguenots away from their land and the country that gave them refuge that benefited.

In short, protecting religious liberty is not just the right thing to do. In the long run it is almost always the smart thing to do as well. I believe that the American experience bears this out. Our historically unique and bold idea to provide for both the separation of church and state as well as the unfettered free exercise of religion is what has made our grand American experiment so successful. As Americans continue to grapple with a serious conflict between our deep commitment to nondiscrimination and our equally heartfelt commitment to religious liberty, we as a nation must have the humility to recognize that the resolution of this conflict will require goodwill and respect on all sides. This humble and ethical path forward will not be easy for us, but it is surely a task worthy of our highest efforts.

The powerful connection between religious freedom and many other precious rights means that failure is not an option. At a moment of supreme sacrifice and existential threat to America, President Lincoln delivered the Gettysburg address, a speech unequalled in my opinion in the annals of oratory. Its scant 272 words have become immortal indeed. In his eulogy for President Lincoln, Senator Charles Sumner said the battle itself was less important than the speech. Perhaps the most memorable words in that speech are the closing ones, through which Lincoln expresses the nation's determination that the "government of the people, by the people, and for the people" shall not perish from the earth. What is little known is that these famous words have a much older

patrimony. John Wycliffe, the English philosopher, theological reformer and preacher, undertook to translate the Bible from the Latin Vulgate into the common vernacular in the late 1300s and he did so in the face of enormous opposition from the ecclesiastical authorities of his day. Despite all, he persisted in this mission and when his work was done he wrote the following words in the flyleaf of that first Bible, "The translation is complete and shall make possible government of the people, by the people, and for the people".

Although we cannot know exactly what Wycliffe meant when he wrote those words, I believe he was illuminating for all of us the profound insight that when men and women are free to pursue and understand truth for themselves, they become empowered to build societies that honor the claims of conscience and the fundamental rights of all people.

Thank you very much.

STATEMENT FROM IRENE KHAN, DIRECTOR-GENERAL, INTERNATIONAL DEVELOPMENT LAW ORGANIZATION (IDLO)

I would like to start by thanking the Government of Italy for the leadership role it is playing, not just domestically but also on the international stage, in upholding a human right that is one of the most challenging ones in these turbulent times. I wish to pay special tribute to the leadership of the Ministry, to Foreign Minister Gentiloni, to Deputy Minister Giro, and to the Director General of International Cooperation, for not only taking on this issue, which is a controversial one, but also for taking it on very bravely in these difficult times.

Freedom of religion is a fundamental human right. It is one of the very few human rights that are required to be protected not just in times of peace but also in times of war. It is thus put alongside such fundamental rights as life.

But in practice, it raises many policy dilemmas and therefore what IDLO has tried to do in this report is to situate freedom of religion not as an ultimate good that we all have to follow but rather in terms of the policy dilemmas that policymakers face every day as they try to make this right real in our world.

Let us consider the following facts: Christianity is the world's largest religious group and will remain so for the next 40 years. Islam is the second-largest but fastest growing religious group. And finally, a fact that many people do not know, is that the third largest group is of those who have no faith – atheists and agnostics, those who stand on the side and don't have any strong religious beliefs.

These figures illustrate the massive challenge that we face going forward. That is what Deputy Minister Giro so clearly highlighted in his statement, the challenge of living together: how do we live together in a world with these realities?

Freedom of religion is of course linked to other freedoms, both in positive and in controversial, negative ways. But freedom of religion is about free choice, free communication and free practice. It is not only about holding the thought in our minds but also about having the right to be able to practice it. And that is where the challenge arises – when one person's faith becomes another person's constraint on freedom. That is what most Western democracies struggle with.

Many religions emphasize tolerance. Yet in practice, religion becomes a very divisive issue rather than a unifying

one. We have seen how historically as well as today the sources of war and conflict can often be traced to people's religion. We have heard about the Yazidis, ISIS, the Middle East, the Balkans, and the terrible price that human beings pay. Think of the schoolgirls that were abducted by Boko Haram, simply because they were Christian. And in Myanmar, the Rohingya Muslim minority community is under threat from Rakhine Buddhist extremists.

Discrimination against minorities is rampant around the world. Of course, the challenge of protection is as much a challenge for secular liberal democracies as it is for religious states. What we are faced with is a global problem. There are no angels in this business. There are many policy dilemmas to resolve.

It is also important to understand that the law is not a neutral arbiter. Laws can protect, but laws can also prosecute. So the key question to ask is how a State can intervene. To what extent should the State interfere to protect one religion or the other, to protect the right to practice religion or the right to criticize a religion? What are the limits of the law?

IDLO's mission and mandate is to promote the rule of law for development. We need to understand very well what the limits of the law are. The law is a powerful instrument, but it also has its limits. How does one match law and policy?

I have mentioned the challenge of protecting religious minorities in religious as well as secular states. A quarter of the world's countries grapple with religious hostility within their own borders. There are many issues related to this, such as conversion to a religion, or laws on blasphemy. About 47 percent of the countries in the world have laws against blasphemy, defamation of religion or apostasy. The right to change one's religion is recognized in international instruments, but in national laws there are still restrictions.

Even more importantly, in the perception of society, there are restrictions. This often leads to mob justice. That is what we see when laws are not clear and strong: people feel they have the license to take things into their own hands. We have seen situations – as in Pakistan over the Asia Bibi blasphemy case, as well as in other regions such as Afghanistan – where individuals have taken the law into their own hands. There are also manifestations of the problem in liberal democracies and secular states, because one man's free speech can be another man's blasphemy. We have seen the impact of cartoons in a Danish newspaper, the terrible consequences in the case of *Charlie Hebdo* in France. Does that mean we have a duty not to offend religion? Do we have the right to criticize religion? These are challenging issues that cannot be

resolved by law alone. The law must protect human rights, but there are a variety of other considerations as well.

We have heard about the problem of terrorism and religious profiling; how do we deal with the fallout of terrorist attacks? How do we deal with religious profiling in societies where unscrupulous politicians arouse people's fear for short-term electoral gains? That is a problem on both sides of the Atlantic right now, as we have seen. There are several elections coming up, and a lot of these issues are occurring in countries that are liberal democracies, where there is freedom. To what extent do we use our freedom to play on people's fears?

There is a bigger question here about what kind of limits can be placed on religious practices that interfere with the rights of others. How do we draw the line between secularism and religious practice? The European Court of Human Rights has, in the case of *Lautsi v. Italy*, upheld the right of the Italian State to put crucifixes on the walls of Italian schools as being well within the human rights standards of religious freedom. But the same European court has given decisions on a number of French cases, stating that schoolgirls cannot cover their heads in school or that schoolteachers cannot teach while they are wearing the headscarf. These contradictions and inconsistencies that emerge send a mixed message to religious communities as to whether or not they are working with state approval.

A particular aspect to consider in this context is the status of women. Women are caught between a rock and a hard place. Many women are discriminated against on religious grounds when it comes to gender equality. For example, Shari'a law regarding property rights, inheritance rights, family law, the right to employment and the right to freedom of movement does not favor women. But at the same time, women are also caught by the policies of secularism, where what a woman wears becomes an issue of state policy. An example is the recent controversy about the burkini in France.

Women are caught from both sides, which leads to the big question: what are the limits of the law? The law has the responsibility to protect, but the law also has the responsibility sometimes to refrain from interfering in what can be the most sensitive, the most personal of decisions. One's thoughts, one's conscience, one's religion are very personal decisions. The balance therefore has to be drawn very carefully by policymakers.

In this context, I would like to emphasize three points. First, we need to think of the rule of law and not rule by law when it comes to issues such as freedom of religion. It is not about law itself, rather, it is about the type of law and the principles that underpin that law. The rule of law is

quite different from rule by law. We see a lot of rule by law in many countries, where laws are used to restrict rights. But rule of law is based on a fundamental principle of equal protection and equality – we are all equal in the eyes of the law, we are all equally accountable to the law.

We need to keep that principle in mind when the State looks to regulate in the area of freedom of religion. One has to ensure that the law indeed provides equal protection to all persons when it comes to their freedom of religion or belief, that the law also recognizes the importance of balancing one right against the other. Freedom of expression versus freedom of religion – that balance must be properly drawn.

The second point is that religious practice itself should have low regulation, because religion is not a corporate practice, it is a personal conscience practice. The law should therefore be very careful about how it regulates that practice. There is an understanding that religion and custom are not set in stone, they evolve over time. Even the most conservative of religions have reformed over time, as illustrated by what happened in Europe in the Middle Ages. Christianity reformed and changed, and Islam and other religions are also reforming and changing over time. Therefore, one must follow the principles of tolerance and openness.

The third and final point is about providing time and space for debate, dialogue and understanding. These are the principles through which, in combination with judicious regulations and laws, we can bring about change. There is a need today for mutual understanding. We are living in a world that is becoming smaller and smaller. People are being thrown together, communities are coming together, while refugee flows, migratory flows and information technology are all pushing us to live very close to each other, which is creating tensions. A lot needs to be done to overcome the mistaken perceptions that people have about one another.

An example of this can be found in the recent US election campaign. One of the key turning points was related to a gold-star Muslim family and the way in which the mother was perceived by one of the candidates. Because she was a Muslim, it was assumed that she was not allowed to speak, but the reality turned out to be quite different: she had a lot to say and she did so. Perceptions therefore have to be broken and bridges have to be built.

There is a lot we have yet to learn, and I was pleased about the emphasis that has been placed on young people. We are talking about the future of the planet. When it comes to freedom of religion, young people today are in a very different situation as compared to that faced by the generation that came before them. Information

technology is being used in many ways to influence them. How do we ensure that education and understanding is used constructively to create a positive vision for the future?

I want to end with a very sad incident that happened in my own country, Bangladesh. In July of this year, there was a terrible incident in Dhaka that also affected many Italians. The incident was the killing of innocent people in a café in Dhaka by a group of jihadists. This café is just around the corner from my apartment in Dhaka. I have been there many times. It is a peaceful, beautiful place in the midst of that crowded city. There, one evening during Ramadan, while a group of people were sitting down to eat, a gang of young men came in and took them hostage, killing all the foreigners in the café, including a number of Italians, which is extremely sad.

They were young Bangladeshi jihadists who, through ICT, had been radicalized. What is less known is that among the victims in that café was a young man who was also from Bangladesh and also a Muslim. The young men who attacked the café first separated the Muslims from the non-Muslims, and while doing so, came across him. This young Muslim Bangladeshi was 19 years old. He was studying in the US and was in Bangladesh for the summer holidays when this incident occurred. He was at the café with two young women whom he had taken there for a meal. The jihadists told him that as he was a Muslim, and a Bangladeshi, he was free to leave. But he refused. He said

that as he had brought the two young women with him, he would not leave without them. They may not be of his religion, they may not be nationals of his country, but he had a responsibility towards them and he would stand by them. He was killed along with those two women.

Both he and the young jihadists shared similar backgrounds – they were all middle-class wealthy Bangladeshis who had studied abroad – but they took two very different positions. This young man refused to allow religious belief to be used as an excuse to destroy. Instead, he used religious belief as a message of hope. Freedom of religion can thus open up the possibility for great hope and optimism if we approach it in a positive way. What this report tries to do is precisely that. As Deputy Minister Giro said, diversity is our destiny moving forward. We have to learn to live together. The law can play a very useful role, but only if it is used in the context of rule of law: with respect and understanding. But the law has its limits. Law must be combined with policy and it must be combined with social space for dialogue, understanding and tolerance – the democratic space that we have talked about. It is very hard to promote freedom of religion in non-democratic spaces where the voices of the people are not heard, where communities are not free to speak up. It must be within a framework of equality for all, including equality for women and girls.

Thank you.

3. AGENDA

FREEDOM OF RELIGION OR BELIEF: PROMOTING PEACEFUL COEXISTENCE THROUGH HUMAN RIGHTS

Sala Aldo Moro, Ministry of Foreign Affairs & International Cooperation, Rome

November 8, 2016

AGENDA

9.00 – 9.30 REGISTRATION

SESSION 1

Moderator: Pietro Sebastiani, Director General for Development Cooperation, Italian Ministry of Foreign Affairs & International Cooperation

- 9.30 – 11.00 Opening remarks and high-level discussion, with presentation of IDLO's study
- **Mario Giro**, Deputy Minister of Foreign Affairs and International Cooperation, Government of Italy
 - **Nassir Abdulaziz Al-Nasser**, High Representative for the United Nations Alliance of Civilizations
 - **Katrina Lantos Swett**, President of the Lantos Foundation for Human Rights and Justice and former Chair of the US Commission on International Religious Freedom (2012-2013 and 2014-2015)
 - **Irene Khan**, Director-General, International Development Law Organization (IDLO)

11.00 – 11.15 COFFEE BREAK

SESSION 2

(CLOSED SESSION)

Moderator: Silvio Ferrari, Professor of Law and Religion, University of Milan

- 11.15 – 12.30 Panel discussion with experts and faith leaders
- **Saul Meghnagi**, Union of Italian Jewish Communities (UCEI)
 - **Paolo Naso**, Coordinator of the Study Commission of the Federation of Evangelical Churches in Italy (FCEI)
 - **Yahya Pallavicini**, President, Italian Islamic Religious Community (CO.RE.IS)
 - **Giancarlo Penza**, Focal Point for International Affairs, Community of Sant'Egidio
 - **Nathan Walker**, Executive Director, Religious Freedom Center of the Newseum Institute
- 12.30 – 12.55 Questions from the floor and conclusions by moderator
- 12.55 – 13.00 Closing remarks – **Irene Khan**, IDLO Director-General

ABOUT IDLO

The International Development Law Organization (IDLO) is the only intergovernmental organization exclusively devoted to promoting the rule of law.

IDLO works to enable governments and empower people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity. Its programs, research and policy advocacy cover the spectrum of rule of law from peace and institution building to social development and economic recovery in countries emerging from conflict and striving towards democracy.

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