

STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

34TH SESSION OF THE HUMAN RIGHTS COUNCIL: INTERACTIVE DIALOGUE WITH THE
SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION OR BELIEF

Room XX, Palais des Nations

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Geneva, Switzerland

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Organizations in Geneva, IDLO*

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Mr. President,

Mr. Special Rapporteur on Freedom of Religion or Belief, we thank you for your report.

The human right to freedom of religion or belief is fundamental. Yet in practice, it sometimes clashes with other rights, freedoms and values.

In November 2016, the International Development Law Organization (IDLO), with the support of the Government of Italy, released a report entitled *Freedom of Religion or Belief and the Law: Current Dilemmas and Lessons Learned*. Based on extensive consultations and research, IDLO's report brings out the complex issues surrounding law and religion.

As IDLO's Director-General, Irene Khan, observed at the report's launch: "The law has the responsibility to protect, but the law also has the responsibility sometimes to stand back and not interfere in what can be the most sensitive, the most personal of decisions. This balance has to be drawn very carefully by policymakers."

Freedom of religion or belief can only be promoted and protected when supported by just and equitable legal frameworks that respect diversity over uniformity. We have seen across the globe that laws and policies that embrace diversity and advance mutual respect are better able to protect human rights and create more stable societies.

In practice, however, the law has been used far too often to restrict freedom of religion or belief, in particular its exercise by members of religious minorities.

The law should be used to regulate and promote rights and peaceful coexistence among all people, intervening in religious matters only when religion is being used to justify harm to others. This means avoiding the placement of religious rights in opposition to other human rights.

Four key lessons have emerged from our work, for rule of law strategies to promote the respect, protection and fulfillment of the right to freedom of religion or belief:

- 1) The law should not attempt to regulate religious practices, belief or disbelief. The law should be used to regulate and promote rights and peaceful co-existence among all people.
- 2) Law and policymakers must respect that religious beliefs, practices or traditions are not static or permanent.
- 3) Diversity should be promoted over uniformity.
- 4) Literacy in relation to religion or belief and the ability to understand different practices and perspectives is a foundation on which societies can promote peaceful co-existence.

Mr. President,

IDLO's message is one of equality. The rule of law is based on the fundamental principle of equal protection and equality: everyone is equal in the eyes of the law; everyone is equally accountable to the law.

Religious tolerance is critical to respect for other human rights and strengthening good governance, the rule of law, and peace and security.

With the waves of anti-Semitism, Islamophobia and attacks on Christian minorities in previously tolerant societies, measures to strengthen religious tolerance are ever more critical if we are to achieve the kind of peaceful, inclusive societies emphasized in SDG 16.

IDLO would be interested to hear more about the Special Rapporteur's priorities and initiatives in sharing best practices in the area of rule of law.

IDLO stands ready to support the Council in its efforts to build a more resilient and secure world based on tolerance, compassion and mutual respect for all.

Thank you,

The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.