

The biggest challenge of 21 century is religious hatred

Interview with Professor Heiner Bielefeldt, Special Rapporteur of United Nations on Freedom of Religion or Beliefs, produced by Liviu Olteanu, Secretary General of the IADRL, 9 July 2013.

Introduction

The International Association for the Defense of Religious Liberty (IADRL) is cooperating with international and regional organizations and is participating as a Permanent Representative to the UN in Geneva, New York and Vienna and as a Main Representative to COE, EP and OSCE.

We cooperate with governments and parliaments, diplomats and politicians, NGOs and civil society, universities and scholars, religions and churches, religious minorities and other stakeholders in the defense of human rights, religious liberty and of conscience for *all people*. We consider the organizing and participating in interreligious & interfaith meetings one of the most important tools in favor of the respect for dignity, non-discrimination and understanding of the protection of religious liberty, no matter one's thinking, religion or belief.

IADRL believes in the importance of the continued *education* and *training* of human rights and religious liberty at all the levels: politics, state institutions, religious, university and civil society. Our international association works through organizing –and participating in- conferences, symposium and panels of governments, parliaments, universities, as well as participating by written or oral statements to the international and national institutions, etc. We organize roundtables, concerts and religious liberty festivals and monitor legislation, the application of legislation, and trends on religious liberty issues. By publishing materials such as “Conscience and Liberty” magazine, books and by all of the previously stated methods and more, we can contribute to the understanding, respect, tolerance, defense, and peace between people in spite of their differences.

For our organization, the dignity of each person is important and we defend the principle of religious liberty for all people. This year

“Conscience and Liberty” magazine will publish a special edition, which will look at religious liberty starting from the beginning of its first edition published in 1948, and also celebrate the anniversary of 1700 years since the Edict of Milan (313-2013).

Professor Heiner Bielefeldt is the honored guest of the “International Association for the Defense of Religious Liberty” (IADRL) organization. Of German origin, he succeeded Mrs. Asma JAHANGIR (Pakistan) in August 2010, as the United Nations Special Rapporteur on freedom of religion or belief⁸.

A prominent international human rights expert, he has taught on this subject and also Politics at the University of Erlangen in Nurnberg, Germany since 2009. After having studied Philosophy and Catholic Theology at the University of Tübingen and the University of Bonn along side other studies (i.e. Philosophie) he held various posts at the universities of Toronto, Heildeberg, Mannheim, Tübingen, Bonn, and Erlangen; he also directed the German Institute for Human Rights from 2003 to 2009. In addition, Heiner Bielefeldt is the author of numerous important works on human rights and religious freedom.

The AIDLR especially appreciates the excellent reports that Mr. Bielefeldt regularly submits to the United Nations.

Interview

Attorney Liviu Olteanu (LO): *The preoccupation of this year’s special edition of “Conscience and Liberty” magazine is about “Professor Bielefeldt, do you believe that there is more or in the world today?”*

Professor Heiner Bielefeldt (HB): The tensions are obvious. Tens of millions of people – Jews, Baha’is, Christians, Muslims, Hindus, Buddhists, Mormons, Jehovah’s Witnesses, agnostics, atheists, adherents of indigenous religions etc. – suffer from grave violations of their freedom of religion or belief. Such violations have many different root-causes. They may be perpetrated in the name of religious or ideological truth claims in the interest of fostering national cohesion, under the pretext of defending law and order or in conjunction with counter-terrorism agendas. Often you find a mix of all of this. Typical targets of

abuses are members of those religious or belief communities that have, or are said to have, a tendency to evade state control and, at the same time, are perceived as not really fitting into the historical and cultural makeup of the country. Perpetrators include non-state actors who frequently operate in a political climate of impunity, thus indicating direct or indirect state involvement or even a human rights protection vacuum. People considered as “heretics” or non-believers become victims of mob violence and they may encounter big obstacles when trying to find a job. A list of violations could go on forever and ever. As you know, those working on freedom of religion or belief certainly have a lot of work to do.

LO: *Is Religion and Religious liberty especially, a solution or a problem for worldwide security and peace? Do you believe that ‘diplomatic-interreligious meetings’ and ‘diplomatic-civil society/NGOs meetings’ have a positive impact on religious liberty challenges? Why or why not?*

HB: In general my answer to your second question is yes. But it depends on what you mean by “diplomatic”. People at times remain a little suspicious of nice diplomatic language fearing that it doesn’t always reflect genuine commitment. I sometimes share this suspicion. When recently attending a conference of the Alliance of Civilizations I heard diplomats demanding that “we should respect one another”. Sounds good of course, but I wondered whether the “we” also included Bahais, Ahmadis or Jehovah’s Witnesses. In some cases I had my doubts. Of course, the consequences should not be to stop interreligious diplomatic talks or de-legitimize such efforts. On the contrary, interreligious dialogue should become more concrete, more realistic, more precise, more substantive, more sustainable, more inclusive and more binding. In short, what we need is more rather than less initiatives of this sort.

Let me take the opportunity to praise the work of grassroots organizations, many of which work under very complicated circumstances. Only yesterday I came back from Sierra Leone. The Inter-Religious Council, broadly composed of Anglicans, Methodists, Baptists, Sunnis, Shias, Ahmadis and others, has contributed enormously to the ongoing reconciliation process after a horrible civil war that had torn the country apart. So, in general, I consider a culture of regular inter-

religious communication extremely important for creating a societal climate conducive to the enjoyment of freedom of religion or belief. To respond to your first questions, of course, working on freedom of religion is also peace work in the broader understanding.

LO *What do you consider are the greatest challenges for religious liberty in the 21st Century and what can diplomats and politicians do to solve religious liberty issues?*

HB: In my view, the biggest challenge is religious hatred. Being confronted with extreme manifestations of collective hatred belongs to the worst experiences you will make when working in this area. I guess no one knows an easy recipe on how to tackle this huge challenge. But the “Rabat Plan of Action” of 5 October 2012 dealing with incitement to national, racial and religious hatred at least contains quite important insights, which came about as the result of a series of workshops that the Office of the High Commissioner on Human Rights (OHCHR, based in Geneva) had conducted in all regions of the world and with broad participation of experts from different disciplines. The Rabat Plan of Action points to the need of speaking out publicly against religious hate propaganda while at the same time appreciating the positive significance of freedom of expression for the flourishing of a culture of religious tolerance. Politicians and diplomats carry special responsibilities in this regard, but the Rabat Plan also underlines the important role of civil society in giving moral support to targeted minorities. Dealing with hatred, of course, implies tackling societal root-causes, including the utilization of religion for political gains, such as narrow versions of national “identity politics”. Tight control agendas in combination with exclusivist national identity politics create the breeding ground for the most extreme forms of hatred and violence. You may think of Nigeria, Burma, Pakistan and finally countries in all regions. Here you also see that working for freedom of religion or belief necessarily takes you into highly politicized territories. Let me briefly point to a totally different sort of challenges, i.e. challenges of a more conceptual nature. Perhaps more than any other human right, freedom of religion or belief is exposed to countless misunderstandings. This can be dangerous, especially if the human rights nature of religious freedom is questioned or even denied. For instance, religious freedom has been wrongly

associated with restrictive agendas, including anti-blasphemy agendas which in countries like Pakistan have a devastating effect on minorities. Some people seem to forget that the right we are talking about is a universal human right to freedom, after all. As such it shows a positive interrelatedness to other rights of freedom, including freedom of association, freedom of assembly, freedom of expression etc. However, in the eyes of some observers freedom of religion or belief has received a somewhat dubious reputation as an allegedly “less liberal” right. Of course, this is nonsense. It also frequently happens that religious freedom is perceived as generally hampering gender-related anti-discrimination policies – in my opinion another terrible misunderstanding. So there is undoubtedly a real need for emphasizing the human rights nature of freedom of religion or belief. Before assuming my mandate I didn’t know how much clarification work needs to be done in this field.

LO *Why did the mandate change from “Special Rapporteur on Religious Intolerance” (according to Commission on Human Rights, resolution 1986/20) to “ ” (according to Commission on Human Rights, ECOSOC decision 2000/261 and General Assembly resolution 55/97)? What were the limits of the previous mandate and what are the advantages that come with this change?*

HB: e new title is more explicitly based on human rights. I therefore clearly prefer it to the previous title. Freedom of religion or belief goes far beyond tolerance in that it originates from the due respect for the dignity, freedom and equality of all human beings. Moreover, it constitutes an indispensable part of the broader human rights agenda.

LO *The Universal Declaration of Human Rights, through Article 18, has a special relevance on the issue of religious liberty regarding the right of every person, but when you look at the geopolitical and globalization context and the threat of fundamentalism, extremism, or terrorism, do you believe that in the present it would be possible to obtain this same agreement regarding the right to change one’s religion? Why or why not?*

HB: I don’t want to speculate too much in this regard. But as you know, the term “change” triggered a heated controversy already in the

preparatory process of Article 18 of the 1948 Universal Declaration. In negotiating the wording of Article 18 of the International Covenant on Civil and Political Rights, the same controversies started again. States finally agreed on the formulation that everyone should be free “to have or adopt a religion or belief of his choice” which is an obvious equivalent to the right to change. However, as a matter of fact, many states restrict this indispensable part of freedom of religion or belief, and the restrictions can go so far as to amount to a total denial. I therefore devoted one of last year’s thematic reports to this issue.

For many states and for many religious communities, the right to change may well be one of the most challenging components of freedom of religion or belief. However, it is exactly this component that also indicates the paradigm shift which human rights in general epitomize. Rather than protecting specific religious values, practices, truth claims or doctrines as such, freedom of religion or belief empowers human beings to find their own ways in the broad field of religions or beliefs. Without the right to change, freedom of religion or belief would thus lose its character as a human right that aims at empowering human beings. Even the right to retain one’s inherited faith, which of course enjoys equal protection under freedom of religion or belief, can’t have the status of an authentic right to freedom unless human beings are respected in their freedom to reconsider their religion or belief, to express personal doubts and, depending on their own decisions, to change, abandon or renounce their previous faith and adopt another religion or belief. It is why we have to stand firm to defend this crucial part of freedom of religion or belief.

LO *As important international legislation, the International Covenant on Civil and Political Rights (ICCPR) from 1966/1976 has authority over world governments that have signed into and ratified this law. In spite of the ratification of ICCPR why do you believe that Articles 18, 19 and 27 are still the objects of applicable tension for many UN states?*

HB: Many states utilize religion for purposes of fostering national identity – often at the exclusion of minorities. We have countless reports on this. Typically this has negative implications for minorities. Members of minorities frequently encounter unreasonable bureaucratic restrictions;

in some countries they have problems to contract valid marriages and regulate family matters legally; they often face direct or indirect discrimination in the labour market, in educational institutions or in health care systems; and their children may be exposed to spontaneous or even orchestrated harassment in school. As a consequence of being portrayed as a threat to national, cultural or religious cohesion, members of minorities may suffer from stigmatization and concomitant acts of hostility in their everyday life. Existing prejudices and stereotypes can be further stoked by the media, sometimes to the degree of demonizing minorities as inimical forces allegedly operating in the service of foreign powers. Persons belonging to minorities, but also dissidents, “heretics”, apostates, sceptics etc. become victims of physical attacks perpetrated by state agents or non-state actors or a combination of both. To cut it short, the root-causes of violations are manifold. To eradicate them requires trust building and persuasion, which in many countries is a long-term project even if governments are willing to do their best. Unfortunately, some governments prefer to turn a blind eye to existing problems or even play with resentments for short-lived political gains.

LO *The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief from 1981 is a cornerstone, important and special UN Declaration, though it doesn't have similar legislative value as the ICCPR. But in the context of your recent and excellent presented to UN HRC, what importance and role do you believe that the states of the world have to give in sustaining and implementing of the “1981 Declaration”?*

HB: I read the 1981 Declaration in conjunction with Articles 18 of the UDHR and the ICCPR. The 1981 Declaration, in particular its Article 6, spells out the various elements that are needed for any consistent implementation of freedom of religion or belief. It points to the private and public and as well as to the individual and communitarian aspects entailed in this human right. So states could use the declaration as a check list when setting up policies of implementing freedom of religion or belief.

LO: *Robert Seiple, the first American Ambassador At-Large on Religious Freedom stated, “ e governments that ignore the religious*

liberty of the minorities or discriminate against them, cannot obtain security for the majority". Do you believe that this statement stands true today?

HB: Yes, absolutely. Systematic discrimination against minorities are mostly indicative of a general disrespect for human rights which, sooner or later, will also negatively affect members of the majority. To formulate it in positive words, safeguarding the human rights of minorities constitutes a crucial part of a society's common good and fosters a healthy development of democracy. My colleague Rita Izsak, Independent Expert on minorities, once used the analogy of women's rights activists who of course should try to get men on board of their agendas, persuading them that in the long run society as a whole would benefit. The same is true for the rights of minorities that might be misperceived as privileging certain groups at the expense of the majority but as a project from which finally the whole society will benefit.

LO *When could we have an International covenant on the elimination of all forms of intolerance and discrimination based on Religion or Beliefs in the United Nations, as is the ICCPR? Or, is this only a dream today?*

HB: I'm afraid we will not see this in the next ten years or so. Moreover, we should also remain careful in this respect. Given the current climate in the international community, a covenant on this issue would likely be used by many states to dilute existing standards of freedom of religion or belief. My advice for the next years would be: Let's defend and further develop the solid standards that we have, in particular with Article 18 of the UDHR, Article 18 of the ICCPR and the interpretative work accomplished by the UN Human Rights Committee (i.e. the expert body in charge of monitoring the ICCPR).

LO *In the UN initiated by Western countries and, recently, also by Islamic countries (OIC). There are also many meetings, conferences, symposiums, and guidelines which are growing in the entire world, whether at a governmental, UN, OSCE, COE or EU level. Why do you think this occurs, what message does it give to society, and how can the UN receive more political power for the implementation of these resolutions?*

HB: e numerous resolutions show that the topic remains politically hot. While 20 years ago many academics were still convinced that religion would gradually become a merely private matter, we have recently witnessed the great public influence that religious communities and religious leaders, more specifically play in many societies – for the better or the worse. Safeguarding freedom and equality of human beings – and indeed all of them – in this often contentious and highly emotional field requires enormous investments. At the same time, one should bear in mind that all important changes finally must come from within a society; they can't be just imposed. International organizations such as the UN can play a supportive role by engaging in capacity building on the ground (e.g. the establishment of national human rights institutions), by insisting on the implementation of binding standards, by conducting regular monitoring, by facilitating communication across political and religious boundaries etc.

LO *What value and impact did the recent EU FORB Freedom of Religion and Belief Guidelines have on EU foreign policy?*

HB: e EU has committed itself in a public document to use all its diplomatic facilities in a coordinated manner to monitor the situation of freedom of religion or belief worldwide. It can include sending observers to trials, inviting members of harassed minorities to conferences, supporting inter-religious dialogue initiatives and even speeding up the issuing of visas in crisis situations. Coordinated efforts of 28 EU member states can actually make a great difference and could impress states that continue to abuse religious freedom. A few months ago (in March or April 2013), Norway's foreign office issued a similar paper more specially focusing on religious minorities. If more states decide to follow this example, we might even be able to see a diplomatic competition over who is best in promoting religious freedom. It would be an interesting exercise.

LO *How can existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief be identified and solved?*

HB: It is important to establish good connections with people working on these issues in the various countries themselves. Normative standards

are universally binding, but the learning processes which countries have to go through in order to fully implement freedom of religion or belief nonetheless remain very different ones. For instance, in most Arabic states a Muslim woman is not allowed to marry a Christian man. I just returned from Sierra Leone, a country with a Muslim majority population, in which all forms of interreligious marriages easily receive the blessing of families, communities and religious leaders. Headscarf debates in France or Germany have very different features from those taking place in the UK or Canada. Conscientious objection to military service continues to be a big political issue in states like South Korea, where hundreds of objectors are imprisoned, while this topic naturally doesn't play a role in countries that have abolished mandatory military service. In short, the recommendations which I have formulated concerning various countries are always very specific although at the same time based on universal normative standards. In any case, you have to familiarize yourself with each context on which you work. It's an ongoing learning process.

LO: *What can the UN do when states refuse to accept and receive the Special Rapporteur's visits or recommendations?*

HB: e Universal Periodic Review (UPR) as practiced in the UN Human Rights Council since 2008 has led to an impressive increase of "standing invitations" to mandate holders. However, in practice we still often face problems when applying for a visit. One should not forget that Special Rapporteurs work pro bono which means they all have another job to perform. In my case, I have the full teaching obligations at my university in Erlangen-Nuremberg and hence cannot undertake any official country visits during the semesters. One of the obvious weak points within the current system of Special Procedures is a general lack of systematic follow-up activities concerning recommendations. In September, I will participate in an interreligious conference in Cyprus which will give me an opportunity to follow up on recommendations enacted through last year's official visit to this country.

LO *What role does civil society and INGOs have today toward the United Nations in regards to peace, understanding and stability between people, cultures and religions of all places?*

HB: To give you a short answer: without civil society organizations the whole system would largely remain inefficient. Human rights and all the other goals mentioned in your question can only develop through the critical interplay of government and non-governmental organizations. While governments carry formal responsibilities under international law, various organized and spontaneous monitoring systems must complement one another. When attending UN meetings in Geneva and New York I always meet with NGOs as well, and it's there that I really feel at home. It is good that different NGOs have different profiles.

We need those who work on human rights broadly, across the entire spectrum of rights, such as *Amnesty International* or *Human Rights Watch*, but equally important are the contributions of highly specialized organizations like *International Association for the Defense of Religious Liberty* (IADRL) who have a particular expertise in promoting freedom of religion or belief. So please continue your commitment and network with others in order to create practical synergies.

LO: *Thank you so much for your kind consideration regarding IADRL. In order to create “practical synergies” and promote human rights and religious liberty for all people, the International Association for the Defense of Religious Liberty is committed to international or national levels - by its network and chapters - to promote and defend the principle of religious liberty and is working to stress respect for one’s differences as a useful tool for PEACE and UNDERSTANDING between people.*

For the concluding question of this interview, Professor Heiner Bielefeldt, what are your main requests and recommendations regarding religious liberty and issues of conscience in favor of peace and understanding between people?

HB: Oh my goodness, there is too much I could say. Now that I have just returned from Sierra Leone I would like to take this opportunity to present the culture of inter-religious cooperation that I have witnessed there as a best practice example. The joint efforts of religious communities – Christians and Muslims from different denominations – to rebuild the country after a brutal civil war are amazing. And this comes from one of the economically poorest countries in the world.

Let me conclude with a message of hope based on experience: human beings can make a difference, and commitment to peace can bear fruits.

LO: *Thank you so much Professor Heiner Bielefeldt, Special Rapporteur of United Nations on Freedom of Religion or Belief. We appreciate your interview for this edition of Conscience. We wish you many victories at international levels in favor of people or persons, children, students, women, migrants, religious minorities and other people that are persecuted or discriminated regarding the liberty of conscience and religion. We like to help and cooperate with you and the Office of High Commissioner of Human Rights in defending the dignity of the person and human rights for All people.*