**G20 Interfaith Forum, October 16. Panel 12**

**The Rule of law, Human Rights, and Religious Rights**

***Moderator*** **Alvaro Albacete**, Deputy Secretary General at The International Dialogue Centre (KAICIID)

***Speakers***

**Mr. Claudio Gregorio Epelman**, Executive Director of the Latin American Jewish Congress

**Dr. Elizabeta Kitanovic**, Executive Secretary for Human Rights at the Conference of European Churches

**Prof. Susanna Mancini**, Professor at the Department of Legal Studies at the University of Bologna, Italy

**Prof. Javier Martinez-Torron,** Professor at Complutense University and Royal Academy of Jurisprudence and Legislation, Section on Law and Religion and Canon Law, Spain

**Prof. Michael O’Flaherty**, Director of the EU Agency for Fundamental Rights (FRA)

**Dr. Abdi Zenebe**, Senior Advisor to the Minister at the Ministry of Peace in Ethiopia

**Panel description in program:** The rule of law, human rights, and religion are conceptually interlinked. Efforts to promote social justice, freedom of religion, and religious pluralism require that we develop strategic thought and leadership approaches that take into account the complex ways in which religious liberty rights interact with other fundamental rights enshrined in international conventions on human rights. Laws and policies need to reflect the understanding that the right of free exercise of religion protects all religious beliefs and communities, including the non-religious ones; this requires respect for religious plurality and equality principles, and has to be balanced against other liberty and equality rights when they are in conflict.

**Summary and highlights of discussion.** This two hour discussion addressed issues around the right to freedom of religion or belief, with a particular focus on its application for religious minorities. The six panelists brought perspectives from Europe (4), Latin America (1), and Africa (1). The moderator led the discussion with three rounds of questions, the first focused on religious roles in promoting human rights, the second on protections of religious communities and relations with states, the third on concluding comments.

The first round discussion focused on interconnections among the three topics: rule of law, human rights, and FORB, stressing shared responsibilities among different communities and the central importance of dialogue, with its strong links to social harmony and peace. Reciprocal responsibilities are involved. Several highlighted the complexities in different situations, notably in assuring freedom of speech together with respect for human dignity. It was also acknowledged that human rights are in some respects revolutionary and counter-cultural in their aim to transform some traditional patterns and hierarchies. A topic brought out vividly was the challenges of addressing hate speech which can pit respect for freedom of religion against deeply held concerns of religious communities for respect. Worrying signs of growing intolerance were highlighted, including preposterous misinformation circulating about some religious groups about aspects of COVID-19. Women’s often unappreciated roles within male-dominated religious communities was emphasized as an issue that needs more attention. Education was highlighted as a foundation for these essential understandings.

The second round of discussion focused on the problems of protecting the rights of minorities and in regulating but also supporting relations between religious majorities and minorities. This linked also to the related questions about hate speech and related violence. The responsibilities of religious leaders to speak out and to cooperate with the state were emphasized, as was the common reluctance of media to amplify positive religious voices. Claudio Epelman linked the UDHR to the Shoah, underscoring the UDHR’s central importance in protecting individuals and communities and preventing another genocide. FoRB protections and sound approaches to interreligious relationships were a focus, alongside emphasis on purposeful, courageous, and committed engagement in continuing dialogue. With Ethiopia as a striking and contemporary example, the roles of FoRB and protection of the rights of religious as well as ethnic majorities in state-building was highlighted. False equivalence around protection of religious freedom and “protection from being offended” was an example of obstacles to a fuller consensus on how to protect FoRB. Discussion explored questions and challenges linked to the political roles of religions, especially when a majority tradition is “de-privatized”, as well as making religions capable of democratic values, as custodians of the ethics of society

Several exchanges focused on the lack of a UN Convention protecting FoRB or religious minorities, recognizing the difficult challenges in the way of such an instrument. One option would be to address it at regional level. It was suggested that the G20 Interfaith Forum to undertake before the 2021 Forum a discussion on the topic. A further proposal was to engage in dialogue about the issues around majority/minority religious relationships.

**Panel discussion:**

**Ambassador Alvaro Albacete** as moderatorbriefly introduced the panelists and the discussion, highlighting linkages among the three agenda topics: freedom of religion or belief (FoRB), human rights, and rule of law. While FoRB is an essential human right, it must be understood in relation to the other human rights, and the panel is to explore how the two can live in mutual respect with one another. Limits to FoRB are another topic to ensure that it does not contribute to discrimination and assures the rights of all including non-believers. The panel is to have two rounds followed by concluding observations. For the first round, the central question was how religious teachings can promote human rights, for the second how law could support religious beliefs and religious diversity and pluralism.

**Prof. Javier Martinez-Torron,**

* Referred to the G20 European consultation recommendations on rule of law, credit to Professor Jonatas Machado. Central issue of focus is the importance of respect and willingness to respect others even when there are disagreements, even on profound issues.
* Social cohesion and social harmony must reflect an understanding of how people view the topic, including moral and ethical dimensions. As is true for sexual orientation, this is not simply a question of choice, as the issues play central roles in peoples’ lives, important in defining who they are. The self-definition of what we may call the moral or ethical dimension of the person is essential for how we live together.
* For religious and non-religious groups to cooperate in this setting, there must be understanding, on the part of both state officials and religious leaders, for the difference between respecting the beliefs of other people and respecting that other people have the right to have different beliefs, even if they have beliefs with which you disagree, even profoundly. It means respecting people if not their beliefs.
* It is then possible to talk of mutual respect and to enter into dialogue with people with different views and to find common ground. That is always possible when there is good faith, and no hidden agendas on either side. Noone is to be declared the winner.
* Religious groups need to understand the important difference between respecting beliefs of others and respecting the rights of the person to have different rights.
* Education in a religious environment differs from education in a state environment, but in both cases, the education about the beliefs of other people must involve respect for those other people even if you disagree with those ideas.

**Dr. Elizabeta Kitanovic.**

* Introduces the Conference of European Churches (CEC): a fellowship that brings together 114 churches from 40 countries, Orthodox, Protestant, and Anglican traditions from all over Europe for dialogue, advocacy, and joint action. www.ceceurope.org/ Has worked on human rights since its conception, committed to the peacebuilding process in the European context. Its human rights portfolio involves monitoring human rights and human rights education.
* For a faith-based organization to promote human rights, they need to identify links between theology and human rights law. There is not always moral agreement on the human rights agenda, so it is important to have consensus on respect for the universality of human rights.
* Also important to be aware of the UN charter. Some FBOs do not understand but everyone is responsible for its promotion. Many entities work on human rights without knowing much about them. Must know and understand human rights, don’t use international human rights language. Working together is a way where we can contribute to its constant developments
* Religious teaching on HR? One example, can work to combat hate speech. Lack of respect for others in communications. Obligation both to stand for free speech and contest hate speech. Need informed and fact based discourse. Religious teaching can contribute to promotion of human rights by combating hate speech and hate crime. Religious grounds for combating this growing lack of respect for others in communication is a task for churches and religious communities. FBOs are committed to love. There is a commitment to stand up for freedom of expression and simultaneously against hate speech. Many FBOs this past year debated in a way that emphasizes our common humanity and the humanity of every individual.
* Hate speech used to gain more votes. Xenophobic. Can result in violence. Chritianophobia, Islamophobia, others, Roma, refugees.
* CEC has a longstanding program – the Summer School for Human Rights. In 2019, CEC expressed concern about xenophobia, stigmatization, and other forms of hate speech that strengthens hatred and leads to violent acts. This is not limited to religious groups. It affects refugees and other minority groups
* Freedom of speech includes the right to disagree, speech has moral and legal implications

**Mr. Claudio Gregorio Epelman**

* Wishes he could be in Saudi Arabia.
* Links freedom of religion and identity. Religion is personal decision. Attacking one’s religion attacks one’s identity. Freedom of religion and identity involves an individual’s right to define religion. Attacking the choice of religion also attacks freedom of religion and banning or limiting freedom of religion attacks the personal identity of believers.
* As Jews have a mandate to improve state of world, they have interactions with other parts of society.
* Thus the rights of others are an issue for Jewish leadership, not just our own.
* How does our religion, tradition explain different traditions? Defining human rights, universality is key, and it means protecting the rights of all traditions, minorities. Attack against one religion, is attack on all. All must fight for it together.
* Must spread idea that all rights must be respected. Pluralism, diversity, coexistence.
* Not just explain ourselves but others.
* We need to interact and the way that we have to spread the idea that our rights must be reflected in the other. This is the way of pluralism and diversity where it is built in the frame of coexistence. All the religious traditions have the clear role to not only explain about ourselves, but also about the other.

**Prof. Susanna Mancini**

* Religious teaching can contribute to the promotion of human rights and democratic values but there is also commonality, shared commitment on human rights.
* The key question is who has authority to determine religious teachings, a delicate matter. .
* Human rights aim to change traditional ways of thinking. They are counter cultural
* For human rights and the history of subordinated groups (children, women, minority groups), the rights of groups are then countercultural. If religions are committed should pay attention to minorities, theology should reflect the plurality of experience.
* But religions have been interpreted mostly by men: Biased, male centered Women theologians are thus important, should become protagonists of religious teaching.
* Women theologians generally universal, diversity, egalitarian anthropology. Point to efforts to overcome oppression.
* Sexual abuse, universal value of human dignity
* Convergence believers and non-believers.

**Prof. Michael O’Flaherty (pre-recorded video)**

* We cannot have steady, sturdy rule of law without respect for human rights. Within the canon of human rights, coequality of FoRB.
* Freedom of religion part of HR. It is axiomatic we cannot have strong rule of law without respect for FoRB.
* We work for protections of FoRB, most significant surveys of EU minority groups.
* Reveal disturbing statistics for certain groups. Patterns of harassment and discrimination against different minorities
* Experience of minority groups in EU some by religious affiliation.
* Among those who self identify as Jewish, we are worried. Not sufficient confidence in state to complain
* Inadequate efforts by state to protect its Jewish community. More young ready to emigrate.
* .If Europe loses its Jewish community something dreadful will have happened at the heart of lessons learned from our past.
* Muslim community. Worrying evidence of discrimination, violations, reporting. Asked general population. Welcome Muslim as neightbor, 22% not. 31% marriage. Not hire woman with headscarf.
* COVID, preposterous attitudes.
* Data illustrates the need for all of us to invest in building respectful diverse societies where all members are treated with dignity.
* Welcome EU action plans by the EU Commission which I anticipate will make a profound and positive impact.
* In regard to giving religious groups respectful space for promoting religious rights in the EU, the fundamental rights agency plays its own modest part in discussions. Facilitated discussions.
* Two learnings. First, we have to invest in spaces to dialogue where we can have the necessary exchange of views. Within those spaces we need to develop literacy about each other. The human rights community could use to develop religious literacy. FoRB could learn more about human rights fundamentals.

**Dr. Abdi Zenebe**,

* Ethiopian Ministry of Peace, a government ministry and the first of its kind.Ethiopia is a secular state.
* Issues are interconnected, reciprocity. Important for ensuring the betterment of humankind at large.
* Religion is one dimension of culture, lays a foundation for human rights. Should not be seen as separate. Religion has power to nurture, promote human rights. High level of reciprocity.
* Teaching of human rights, more on religion, law etc.
* 3 points. Religion is one dimension of culture. Rather than thinking of human rights as a separate body of knowledge, religion has the power in society of nurturing and promoting human rights. This is important in many regards; it anchors human rights in spiritual belief systems.
* Second, religion contributes to enhancement of rule of law, in transforming the individual and plays an important role in nurturing behavior. There is a huge connection between belief and respect for the law. Religion can strengthen rule of law and is connected to religious teachings. Civil society. Sense of human, rule of law. Keep from breaking law. Belief and respect for law
* Religious traditions have helped to produce texts. Ethiopia has ancient texts for law. Crucial elements. In Egypt, the law of kings, which was used for a long period of our history, came from religious history. We have a large population where a large number of people (98%) subscribe to religious belief. Drawing upon religion, we hope to promote human rights and the rule of law.. Seek to enhance himan rights.

**Round 2:**

**Prof. Javier Martinez-Torron**

* What to do about incorrigible behavior by minority involved in violent speech and action? In interreligious dialogue must establish communication with people who engage in behaviors that are justified by conflictual beliefs that they claim are founded on a particular belief – religious or not.
* Law and lawyers must anticipate, respond to, and prevent the worst; a responsibility to take a proactive approach, ex ante, emphasizing through education the positive aspects of freedom of religion or belief.
* What do we do about intolerance, founded in belief. Responsibility of state and religious leaders is to take proactive role.
* Education should emphasize positive aspects of FoRB. Many have not the slightest idea what it means.
* Cooperation religious leaders and the state, especially on hate speech. Must speak out, uncomfortable role. Responsibility to discredit those people. For hate speech, tend to be based on religion, religious leaders have responsibility to discredit, speak out.
* Religious leaders need to stand with one another in an interfaith sense.
* Everyone has responsibility to take reins. We should not watch from the comfortable chair in the theatre. We have a responsibility to speak on the world stage. But the leaders of the particular religion have more credibility to speak on behalf of that religion.. Main responsibility is the religion involved.
* The role of the media was discussed, noting that they often express little interest in religious voices that counter hate speech and violence.

**Dr. Elizabeta Kitanovic.**

* While there are many international instruments on HR and FoRB, what is lacking UN convention on rights and protections of religious minorities. Could help states understand better their responsibilities.
* Very complex. The way minorities will be treated. Protection of freedom of religion or belief depends upon the rule of law in the country as well as the level of democracy in that context.
* Suggests that G20 Interfaith Forum take up this issue for 2021, as having a document at the global level could be helpful.
* Tete a tete discussions on religious minorities could be helpful. CEC has experience speaking with specific minorities. Invite people from the communities to speak about the violence they are facing, ways they are looking for solidarity and community support.
* What is lacking is interfaith solidarity where communities start standing up for one another in the public sphere when there has been a violation of human rights.
* CEC is interested in the violation of human rights because most of our members are minority communities. Have addressed issue, added to the debate based on academic reflection, advocacy, and practical experience.
* Religious communities in Europe face issues. Struggle with appropriate legal status, subject to discrimination and even open hostility. Complaints range from discrimination, confiscation of property, disruption of rituals, to harassment from police. Need protection, police, even military
* CEC is convinced people bring added value, but are concerned that governments view minority groups as threats to national security. Important that groups contribute to the narrative. Deeper work needed to understand each other, needs of various communities, not staying in silos but helping our neighbors. Religious literacy is important.
* Build on commandment to love your neighbor who can be Muslim, Jewish, disabled, or LGBTQ+; practicing these values is not an easy task, everyday effort. With good will and faith, religious communities can make a change, help eradicate hate speech and hate crime in society.
* Religious communities can be a gamechanger in ending hate speech etc in our societies

(Exchange on recommendation)

* Lack of international covenant on religious freedom. Why not? Would be very difficult to discuss but G20 Interfaith Forum could discuss for 2021.
* UN convention on rights of religious minorities could be useful. Would need a very thorough debate on the issue. Or one convention for both issues. It would be important to organize debates on the topic. Could be considered mission impossible, but maybe in the future when there is more commitment to solidarity, solidarity among religious communities and nonconfessional groups standing together could help usher in a more rights-based approach by discussing violations of FoRB and, in a sense, bringing more equality.

AA: should there be regional instruments, as the issues are universal.

**Claudio Epelman**

* Different language legal and religious approaches to the topic.
* Recognize, agree diversity and pluralism in society is a positive value. Question is how to protect it. What should we do to keep it and protect it from extremist attacks against it?
* During WWII, Nazi project, to exterminate a minority community in Europe. Auschwitz. Learn from it. When the world understood what happened during WWII, the issue of human rights was put into discussion and human rights came into play.
* A promotor of UDHR was René Cassin, who was from a Jewish family. He suggested that the need was simply to translate 10 commandments into legal language. Candle in darkness, clear indicator.
* A amoral commandment: the protection ofi individuals and the rights of individuals as human beings. This is the role of rule of law and universal law. If a society or government attack a minority, the law must be the instrument to protect the minority. If not, we can repeat the genocide
* Need for laws, international laws to protect minorities
* UDHR is a candle that marks the path where the law must protect minority rights at the international level
* We must learn this to prevent a repeat of the Shoah. Recognition of human rights as universal.
* If not, we are going to see how we can make a decision of government to attack or not defend the freedom of the minorities. Value of religious teachings is understanding of importance of human rights.

AA: active in Latin America regional event.

**Susan Martini**

* Huge debate around rule of international law in protecting religious rights. European Court of Human Rights which operates with some degree of consensus, at least within the context of the Council of Europe (which is diverse but not as diverse as the whole world), has lots of difficulty with religious freedom cases. They often use the doctrine of ‘margin of appreciation’ which means the state parties to the Council of Europe are left with a high level of discretion in deciding these cases. (For more on the margin of appreciation see https://www.coe.int/t/dghl/cooperation/lisbonnetwork/themis/echr/paper2\_en.asp)
* A quick general frame of different models through which western democratic states protect freedom and manage their relationship with religions: the French model is a militant, secularist system keeping religion out of public sphere. America is an agnostic, secular model seeking a neutral stance but does not shy away from favoring religious approaches over atheist approaches. Confessional secular models protect one religious group as part of the constitutional secular system primarily for identitarian purposes and projects them (Italy or Spain). Another model, as found in the UK, the Scandinavian countries), has an official religion tradition but an institutionalized tolerance for religious minorities. Then there is the system found in places such as Israel or India that gives collective priority to one group. The situation is very diverse and complex relation state religion in western democracies.
* How much more difficult it would be to go beyond democratic contexts. Very difficult to have common definition.
* In western countries, secularization has implied a process of separation of state and Christian churches but religious tolerance has been bent at keeping religious diversity in the private sphere. In a globalized world, this doesn’t work because the public-private divide is not the same.
* In the west, we have built a strictly individualistic understanding of religious freedom which makes it difficult to accommodate religions that have an emphasis on community over the individual. In the European convention, in many ways, they presume a Protestant understanding of religion.
* Final challenge for accommodating religious minorities is the worrisome phenomenon of religious nationalism which is a fundamental threat to pluralism. Using religion as a proxy to national identity from right wing evangelicals in the US to what goes on in Hungary and Poland where minority religions are used as a proxy for misogynist positions, etc.
* Fascinated by project to strike balance, but might be a mission impossible.

**Elizabeta:**

Based in Brussels, Article 17 contributes to a marginal appreciation of FoRB. Current understandings about religious freedom and the way European courts are making their decisions come from a Protestant understanding of FoRB. We are an Orthodox, Catholic, and Anglican fellowship of mostly minority churches which have been a major inspiration for advocating FoRB l. We have been documenting the cases where the churches were fighting for the same rights and recognition that majority churches have in certain European states. It is a longstanding debate, but maybe in our lifetime we can move things forward.

**Zenebe**

* Difficult and debated issues at national as well as global levels.
* Ethiopian experience. Role of religion quite significant, part of current reform project.
* Religion has played a role of cutting across the cleavage and also in bringing people across divides to reconcile across different groups in a situation of ethnic polarization. Ethnicity is an important factor in current debates.
* Sometimes a last resort in looking to these ties.
* In our part of the world, seeing a revival of different belief systems and religions that had been declining but are reviving with democracy. Protecting religious diversity and pluralism and values culture is a guarantee to enhance the state building process.
* Creating a venue that respects FoRB serves multiple purposes. Identities not easily manipulated for violent purposes, and FoRB is important to the state building process, to respect diverse cultural elements.
* Secularism does not mean excising religion. When we consider secularism we have to take into account our own socio-cultural trajectory.
* Law should care about religious setting. Especially crucial for a country moving away from socialist, Marxist ideologies.
* Laws should not care less about religious citizens, minority or not. Democracy respects the people as a bare minimum – empowering the public – even with all of the democratic variations. You have to respect human rights if you are going to empower the public. So we cannot afford to ignore FoRB. It is crucial for us in the rule of law that ensures the safety of citizens.
* Rule of law crucial for bridging divides.
* Secularism should not be confused with atheism. Threshold for democracy, one has to respect religious values – minority or otherwise. This has been important to our reform process. Equal protection for religious and non-religious citizens alike.

**AA: Another round.** To CE, peculiarities of Latin America?

**Epelman**

* COVID, at home for 7 months, facing an economc, social crisis.
* Most parts of Latin America do not have problems with interfaith relations. Good relationships.
* Story: Visit of an interfaith group to the Holy land. Jerusalem, Ramallah, met presidents. Dealing with hot potatoes. Chatting, good relations. Good relationships are possible. Argentinian society is proof coexistence is possible. Depends on faith leaders. Takes lots of courage. Declare Latin America territory of coexistence. Determined to keep it that way.
* Coexistence is not the result of good will but of efforts by faith leaders and the steps that they take in the right direction. Sometimes the decisions are very difficult, take courage.
* Wrote a Declaration of Cordova: echoes pain in the history of Cordova associated with people seeking co-existence between Jews, Christians, and Muslims. Declared Latin America and the Caribbean as an area of co-existence between faiths. But what was key was the determination to keep it that way.
* Interreligious dialogue is a resource we have to develop. What does it mean, historical context? For a long time religions did not speak to each other, bad relationships. Vatican II was a key point, launched dialogue, thus a short period in the relationship. Have to keep it.
* Message for Saudi Arabia: example of common celebrations in Argentina for Ramadan, other festivals. Latin America is proof of it because leaders are committed to human fraternity. Fraternity is a way of interaction with the other. We are proving that it is possible.

**Elizabeta.**

* Great opportunity to come together despite COVID. Celebrate religious peace.
* Get together in Brussels. Positive things in COVID,women meeting to exchange recipes, cooking good food. The pandemic helped bring these friendships closer to our hearts.
* Majority minority relationships should be on the agenda for next G20 Forum. How to regulate, etc. from the international legal point of view? Perhaps regional legal systems could also be discussed, using example of the EU Article 17.
* In Brussels, diverse groups are invited for dialogue by the EU for consultations, for example on COVID.
* Whether we have this UN convention or not, let us continue discussing.
* Today’s ideals are tomorrow’s realities

**Mancini**

* Relationships between majorities and minorities are what the issue boils down to, essentially the role of religion in politics. Religions are not happy to be privatized, and have long challenges the public private divide. How far is it possible to keep pluralism in democratic society as religion is de-privatized?
* Majorities already have the instrument of the law in order to go forward with their agenda to articulate their needs and what they want to achieve. Minorities that are marginalized minorities - that do not have a voice in the decision making
* Minorities have to depend on courts while majorities use political force as they have less voice in political priorities. Need to neutralize the tyranny of the majorities.
* Need to put a stop to the certain religious claims of majoritarian religions that are increasingly politicized.
* Religious freedom cannot translate into the right not to be offended.
* Traditional mainstream religion is often implicated in the marginalization of minorities. I would welcome a conversation how to protect religious freedom for marginalized minorities. How do we keep all the voices in the conversation?
* Especially conservative streams. Keep all voices alive.

**Zenebe**

* Two issues are important. The crucial importance of interfaith dialogue, and protecting the rights of minorities and creating a shared vision at state level. The challenge is to make religions capable of democratic values, as custodians of the ethics of society
* The includes corruption which an issue. Religions need to be clean in preaching and communicating noble values but also in practicing these values. When the going gets tough, we have must rely heavily on religious institutions which connect to the depth of the human soul. Secular states have no right to interfere with elements of these other institutions.
* Creating stability at the interreligious level is crucial.
* Communicate to depths of human soul. No right to interfere in creed but yes corruption, internal procedures.
* We would support any initiative for developing a global level protection for religious rights

Dr. Cole Durham, Jr (via chat): The major reason we don't have an international convention

was the historical challenge of reaching agreement on such an issue. What we ended up with was

the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based

on Religion and Belief. There is widespread belief to try for a convention now, we would get a

lower common denominator. There have been some discussions that in some regions (e.g. Latin

America, it might be possible to generate such a convention.