

# Next Steps: enhancing freedom of religion in the short and long-term

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Firstly, I'd like to express my thanks for the opportunity to address this very qualified assembly.

I would like to speak both about the broad approach that I believe we need to take to promoting FORB and to identify possible next steps.

## **So what broad approach should the UK and other nations take to promoting FORB?**

I believe our approach should be grounded in four key principles

- *Firstly, we need a clear focus on freedom of religion or belief for all*  
It is almost never the case that only one religious group faces repression in a country so a focus on FORB for all is the most relevant approach to take.  
It also grounds us firmly in the human rights framework and helps to avoid the instrumentalization of FORB for political ends. Which also means it is likely to be more effective. This doesn't mean we can't talk about violations against specific groups, what it means is that we look at the full picture and give a full response.
- *Secondly, we need a clear focus on freedom of religion or belief as a fundamental human right in itself and as a right that is closely interlinked with other human rights.* This means using human rights based approaches to influence law and administrative practice. It also means highlighting the links with other human rights such as the rights to privacy, education, employment or land.
- *Thirdly we need a clear focus on the duties of states.* In relation to FORB there is a strong tendency at the international level to transfer the focus from the duties of states onto faith communities and their responsibility to promote dialogue and tolerance. Inter-faith dialogue is of great importance and faith communities have key contributions to make, but this can never substitute for a clear focus on the state's duty to respect, protect and promote FORB.
- *Fourthly we need a positive approach* highlighting freedom of religion or belief's potential to contribute to conflict prevention, development and other human rights. This positive approach to FORB as a means to contribute to other societal goals helps create a shift in our understanding. FORB is no longer a narrow special interest for religious minorities or religious communities in general! It is a question of promoting the welfare of society as a whole.  
Sadly this positive approach is largely lacking. Instead of celebrating religious freedom as a thing of worth, the political community tends to focus on it as a something negative in the domestic debate and as a minorities issue internationally – as though FORB were a special privilege for minorities instead of a fundamental right for all citizens.

## So what next steps do we need to take?

FORB is perhaps the most misunderstood human right we have. And yet there is a framework, with rights identified in UN conventions and in OSCE commitments and guidance to interpretation such as General Comment 22.

From these we see that religious freedom has seven dimensions

- the right to have, adopt, change, the religion or belief of our choice
- the right to manifest, with protection for a wide variety of forms of manifestation noted
- the right to freedom from discrimination
- the right to freedom from coercion
- there are rights for parents and children
- and for employers and employees
- and we have the right to conscientious objection at least to military service

These are the rights that have been signed up to in international conventions and major violations are committed in relation to all of them.

And yet there is no global consensus on the nature of these rights. And some nations are beginning to introduce other concepts such as freedom of worship, which we have no clear definition of at all. This conceptual confusion and dissent is a fundamental problem that contributes to our inability to tackle violations.

In this context what next steps can we take? Clearly information and education is vital for decision-makers, public servants, teachers, children and faith communities. We need to know our rights, we need educational initiatives.

*But perhaps we also need to develop or clarify the human rights framework in relation to FORB*

In recent years the international debate on FORB has been channeled into the infected defamation debate, instead of focusing on a proactive agenda for the protection of people at risk of discrimination and violence.

We need to set a different agenda focused on, to quote Malcolm Evans, “developing a better understanding of what FORB entails in a coherent and transparent fashion to which all interested parties can contribute”. Perhaps we need to work for a convention on FORB that clarifies its meaning and scope in relation to all each of its seven dimensions?

## **Secondly we need practical foreign policy instruments and tools for the long term promotion of FORB at the bilateral and regional level**

Efforts are being made to develop this at the EU level and by some member states. I would like to offer some concrete suggestions for those efforts. I believe that we need to combine three methods:

- Mainstreaming
- Prioritised country focus
- Thematic focus.

The problems we face are multidimensional and serious. No single approach is sufficient to meet these challenges.

**Mainstreaming** FORB involves ensuring that FORB issues are integrated into the primary human rights strategy for all relevant third countries. This means for example that FORB issues need to be analysed and that key messages and ways to convey these messages need to be identified in human rights strategies.

One of the most common risks connected with mainstreaming is that the issue disappears into the larger whole and remains neglected (i.e. that mainstreaming fails). Impetus to genuine mainstreaming is given by combining it with the identification of a more limited number of **priority countries for intensive action** over a particular time period. This helps create structure for the process of analysis, diplomacy/support, reporting and evaluation. However we need to be careful, there are risks here too.

- What is the purpose identifying priority countries – is it to publicly highlight and condemn a list of worst offenders? This is a legitimate approach but it tends to take on a political nature. There is often a lack of clarity as to the criteria used in deciding which countries to include and political concerns are interpreted as influencing this. And whilst there is every reason to focus on worst offenders, they are often those countries which are most difficult to influence.
- A different approach would be to identify where European action can at the present moment best generate results. Where can we make a meaningful and effective contribution? Such a list would include countries with different degrees of FORB violation and could form a more constructive starting point for engagement. It would also complement the US worst offenders approach.

But a focus only on countries is also insufficient. There is an acute need for thematic engagement on key issues that are common to many countries. Opportunities for research, learning and experience exchange around these issues need to be created at regional and global levels. Key thematic issues include:

- Religious civil and family law
- Legal identity issues for belief communities
- Legislation concerning conversion
- FORB and children
- Gender dimensions of FORB

**So a combination of mainstreaming, country focus and thematic focus is desirable. But for these approaches to be effective Foreign Service personnel need tools and knowledge to implement them.**

- A strategy is needed outlining what the approaches will involve and how they will be implemented,
- Foreign ministries need to train staff, with priority being given to staff located in prioritized countries.
- Tools need to be developed including tools for analysis, indicators for monitoring and evaluation and training materials.

- Fora for civil society consultation are needed, both internationally and in countries affected by violations, with transparency to enable civil society to provide relevant input.

And finally it is not enough for European states to pass the baton over to Brussels and see FORB primarily as an issue for the EEAS to tackle.

Europe's action on FORB will be strongest when member states support the developing EEAS strategy with practical bilateral action. We need to burden share.

The Netherlands is doing this already, with a pilot project now to be extended to focus on promoting FORB in 10 countries.

Other member states should learn from their experience and follow their example.

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