Universality of Human Rights in the Context of Religious Freedom

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It is an honour to be here in Malaysia and to be part of such a meaningful conversation in this country.

Malaysia is entering a new promising phase of its history after the landmark democratic election of past May. This is particularly important today to contrast negative trends. Recent data shows that democracy is not in full bloom. According to some indicators, democracy in the world seems to have regressed to where it was 10-15 years ago\(^1\). This decline is recorded in almost half of all countries in the last ten years\(^2\).

Human rights are high on the agenda of the new government. Also, this Forum comes timely to support and encourage progress towards an inclusive and peaceful Malaysia, championing HR.

Is the first day of my first visit to this country and I am here to learn and listen. I am not an expert on Malaysia, so allow me to share reflections on a broader picture.

I will speak on four points: 1) the UDHR, universality, and diversity; 2) the essence of FoRB; 3) the status of FoRB in the world and the main challenges; 4) I will share some ideas for action for “more and better FoRB for all.”

1) The UDHR, Universality, Diversity

Human Rights, universality, the right to freedom of thought, conscience and religion are precious but fragile assets; they need care, the needs courage. They need action.

List of human rights and declarations stem from the ashes of the Second World War. The world has changed so much and is so diverse today. However, there are still many conflicts, too many wars around us.

\(^1\) The V-Dem institute's annual report for 2017
\(^2\) The EIU’s Democracy Index
The universal declaration of human rights (UDHR) remains a valid, essential tool, but it needs a fresh and robust re-commitment, not a simple commemoration. This recommitment should start by celebrating the multicultural origin of the UDHR. Today is the fruit of yesterday and tomorrow begins today. We are our history.

What happened 70 years ago? The Drafting Committee of the Declaration included members with different legal and cultural backgrounds from all regions of the world: Let me quote Eleanor Roosevelt, in the driving seat, René Cassin from France, who composed the first draft of the Declaration, the Rapporteur Charles Malik of Lebanon, Vice-Chairman Peng Chung Chang of China, and John Humphrey of Canada, Director of the UN’s Human Rights Division. The General Assembly adopted on the 10 December 1948 the Declaration of Human Rights with eight nations abstaining from the vote but none dissenting. The Declaration was translated in 500 languages.

Today many voices contest and even attack universality. To “speak on” or “preach” on human rights as they were “granted” is neither useful nor smart. It may also backfire.

We are traveling through uncertain times. This journey needs to be taken seriously, requires ponderation, reflection. Requires listening and listening. Only by listening, you can start a profound and genuine dialogue. We are now facing new complexities and our approach requires new responses and a new engagement. This is not about dilution. On the contrary is about renewal and adaptation.

Universality is also attacked by those who misuse culture and cultural rights and by those who misuse religion. Let me quote a recent Statement by Karima Bennoune, UN Special Rapporteur in the field of cultural rights at the 73rd session of the General Assembly in October 2018: universality needs a “foundational renewal”: “universality is not a weapon against cultural diversity, nor is cultural diversity a weapon against universality. The two principles are mutually reinforcing and interlocking”. I think this perfectly relevant to our topic today. We need universality + pluralism.

In charting pathways towards a universal plural model, the first very step is to value and recognize diversity.

Rabbi Jonathan Sacks, a Jewish leader on the ethics of globalisation, calls on a new paradigm into the search for co-existence: we must do more than search for common human values. We must also learn to make space for difference “just as the natural environment
depends on biodiversity, so the human environment depends on cultural diversity because no one civilization encompasses all the spiritual, ethical and artistic expressions of mankind. "Equilibrium among many, not dominance by one, offers a better chance for stability". Diversity is unavoidable. However, it needs to be intentionally addressed and managed. "Living in diversity" and "diversity in unity" are a long-term drive. The European experience shows that this is a long-term process, not easy, not perfect, but successful in generating peace and prosperity.

Why do I quote here, in Kuala Lumpur, a Jewish thinker? It is powerful to see that a leading Rabbi advocates using religious difference as the catalyst for world peace.

In societies, there is always a temptation for conformity in the name of unity. Louder voices dominate. However, this usually backfires. Unity turns into repression and a tension develop. We have data showing that were freedom of religion or belief is protected, civil and political liberties, and societies are more peaceful and better off.

To conclude on my first point, let me quote Noam Chomsky: "The principle of universality is not a 'theory'. Just a moral truism."

As reminded by EU Special Representative on human rights, Stavros Lambrinidis, "Human Rights have never been a battle between different cultures, regions, religions, or political systems, between the 'West' and the 'East', the 'North' and the 'South'. The struggle for human rights runs within each of our cultures and civilizations. Human rights have always been the universal shield of the powerless, in any religion, culture or society, against the cultural relativism of the powerful".

Very often the one who violates rights call on religion or local traditions, or "special" circumstances, security considerations, or any other reasons. They are powerful. Human Rights protect diversity. I see more and more the concept of minority replaced by social component or citizenship. This is an important step forward. Let's speak on inclusive citizenship and step out from the majority/minority polarization.

2) Freedom of religion or belief is not more important than other human rights, but it is a litmus test for other human rights

We all know in this room what is by the right to freedom of thought, conscience, religion or belief: a fundamental and expansive right of every human being.
The EU firmly believes that all persons belonging to religious, belief or non-belief communities or minorities should be able to live, practice their religion and worship freely, individually or in community with other, without fear of intolerance and attacks. In promoting and protecting freedom of religion or belief, the EU is guided by the universality, indivisibility, inter-relatedness, and interdependence of all human rights, whether civil, political, economic, social or cultural.

As human rights are indivisible, freedom of religion or belief is an essential ingredient for cohesive societies, conflict resolution and the building of more effective coalitions, which serve peace. If FoRB is violated all HR agenda suffers, be it political and civil rights, or economic, social and cultural rights.

Let me insist on one crucial point. There is no confrontation between, individual and collective rights. What we need to underline is that freedom of religion or belief is a right for all. The EU strongly supports the right to manifest religion in community with others.

Freedom of religion or belief can easily lend itself to particularism, if it is not firmly anchored within a human rights framework.

Religious actors fighting for the collective rights of religious minorities have historically dominated advocacy for freedom of religion or belief. Religious freedom is not only about religious minorities' collective rights, as important as they may be. The minority perspective means that we miss out on other victims of religious freedom violations.

Violations of religious freedom often take place within a religious group, whether it is a minority or a majority. Many religious groups and communities find it difficult to accept that fellow believers choose to leave, criticize or reinterpret what they consider to be the ultimate truth. People who practice their religion in a different way than the rest of the community, people who do not practice their religion, people who change religion or who reject religion, are often the victim of discrimination, harassment or even persecution.

A minority perspective risks overlooking, for instance, women who advocate for a feminist interpretation of their religion, going against the mainstream, male-dominated interpretations. Also, it risks missing the rights of atheists and converts.

On a more practical level, this perspective is also problematic because it often ends up focusing primarily on one minority. A focus on minority protection may in practice lead to a particularistic approach, emphasizing certain groups over others, at the expense of a universalist emphasis on human rights for all.

We should try to avoid discussion on individual versus collective, as the primary goal is protection for all. In doing so, the EU focuses on the right of individuals, to believe or not to believe, and, alone or in community with others, to freely manifest their beliefs.

Religions do not need protection. Individual, minorities, are the rights holders.

I am the first ever Special Envoy on freedom of religion or belief appointed by the European Commission; my mandate testifies the importance that the European Union attaches to this right.

3) State of play on FoRB is grim and the tendency is negative

In 2015, in 40% of the 198 countries surveyed by the Pew Research Centre\(^3\), were registered high or very high levels of restrictions were registered.

In 105 countries (53%), widespread government harassment of religious groups.

In almost 30 %, high or very high levels of social hostilities.

The percentage of countries with high or very high levels of social hostilities increased in 2015, from 23% to 27%.

Today, 75% of the world’s population live in countries that have either restriction on the right to religion or belief or a high level of social hostility involving religion or belief.

Overall, in 2015, nearly 60 percent of countries experienced increases in government restrictions and social hostilities involving religion or belief.

Atheists, humanists, so-called non-believers are increasingly under pressure.

71 states have blasphemy laws. In 22 countries the death penalty for apostasy, in 13 countries capital punishments for atheists.

The UN Special Rapporteur on FoRB draws our attention to the worrying correlation between restrictions on freedom of religion and levels of increased levels of religious intolerance – and increased violence.

Freedom of religion or belief records are also worsening in Asia. Referring again to data of the Pew Research Centre, in the Asia-Pacific region, 25 out of 50 countries had increases in government restrictions in 2015. Among the states scoring very high or high: Burma, China, Indonesia, Vietnam, India and also Malaysia.

\(^3\) Data from Pew Research Centre (PRC) and the analysis by UN Special Rapporteur on FORB Ahmed Shaheed (notably selected highlights from his report on "Elimination of all forms of religious intolerance")
Looking at countries with high or very high social hostilities/intolerance and violence, we see India, Afghanistan, Pakistan, Bangladesh, Sri Lanka, Nepal, Burma, Indonesia, Nepal Malaysia.

However, we all know that Malaysia today is “new”, is a different country than in 2015.

All in all, freedom of religion or belief is "under growing pressure" and is also a “neglected human right.” The UN also tell us that the sum of UPR Recommendations on freedom of religion or belief constituted less than 3% (as freedom of expression and freedom of association) of the total recommendations. States accepted 63% of these recommendations (10 % less than the overall acceptance rate).

On a more positive line, we see in the last years a new activism at national and international around freedom of religion or belief. Civil society is engaged, many international initiatives are emerging including at the level of many Parliaments. The European Parliament has created the first ever Intergroup on freedom of religion or belief and religious tolerance and publishes regularly a report on freedom of religion or belief in the world.

The EU also has a value-added and a role to play in this area. Such issues catch increasing attention in the European Parliament. Many Member States of the EU have created function similar to mine or taken similar initiatives (as Denmark, Germany, UK, Italy, etc.). The United-States are also active and a first ever Ministerial to Advance Religious Freedom was organised in Washington in July 2018.

4) Possible responses for “more and better freedom for all”

The standard human rights legal discourse only is not enough. In our re-commitment, we search and seek new pathways.

When we speak freedom of religion or belief, my advice is to" speak" and promote human dignity

"Human dignity" is at the very core of the human rights agenda and is also value shared by many/all religions. Is a meeting place. Article 1 of the UDHR says: "All human beings are born free and equal in dignity and rights."

In 1965, the Declaration on Religious Freedom by the Second Vatican Council, "Dignitatis Humanae", stated "the right to religious freedom has its foundation in the very dignity of the human person." "A sense of the dignity of the human person has been impressing itself more
and more deeply on the consciousness of contemporary man, and the demand is increasingly made that men should act on their own judgment, enjoying and making use of a responsible freedom”.

In the Declaration on fundamental freedoms (January 2012), the group of Al-Azhar scholars and the Egyptian intellectuals defined the relationship between the general principles of the Islamic Shari'ah and basic freedoms adopted by international conventions. Freedom of belief comes first as "the cornerstone in the modern social structure" (just before freedom of opinion and expression) and is associated to the right of full citizenship for all.

Closer to Malaysia, I mention the ideology/philosophy of Pancasila, which has governed for 75 years the people of Indonesia. Indonesians as "ardent supporters of the idea of universalism and human dignity.

Human Rights actors and religious actors should come closer

Many promising initiatives are connecting human rights actors and religious actors/leaders. In some contexts, invisible walls made human rights and religion far aside, sceptical or even hostile. I see many initiatives popping up to connect these two universes. They need to learn the language of the others.

I wish to praise the “Faith4Rights Initiative” supported by the United Nations High Commissioner on Human Rights, which culminated in March 2017 in the “Beirut Declaration and in its 18 commitments. This is a joint effort by faith-based and secular civil society actors, all working in the field of human rights and expressing their deep conviction that human rights and faiths are mutually reinforcing.

All faith traditions affirm a commitment to upholding the dignity and the equal worth of all human beings. It is often forgotten that the Universal Declaration of Human Rights is itself based on and derived from the values common to all religions.

This human rights commitment is illustrated with pertinent quotes from the Talmud, Bible, Qu’ran, Hadith, Guru Granth Sahib, ‘Abdu’l-Bahá and the recently adopted joint UN general recommendation/comment on harmful practices.

The Beirut Declaration include the pledge to ensure non-discrimination, gender equality and the right of all women, girls and boys not to be subjected to harmful practices such as female

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genital mutilation, child and/or forced marriages and crimes committed in the name of so-called honor.

There is another commitment in this Declaration relevant to today’s debate: believers (theistic, non-theistic, atheistic and other) commit to promoting constructive engagement on the understanding of religious texts as well as critical thinking and discussion on religious matters.

This Beirut Declaration has 18 commitments. Why “18”? Because of article n.18 of the UDHR which is on freedom of religion or belief. The Declaration intends to be an essential tool to promote freedom of religion or belief among religious actors and leaders who are central and key stakeholders for this right. Difficult to progress towards “freedom of religion or belief for all” without their contribution. I always remind to religious actors that they are right holders and duty bearers.

Bringing closer human rights and religion can open innovative and unexpected common grounds. I supported and took part in Pakistan in an unprecedented initiative on equal citizenship and pluralism.
What I have seen traveling in many countries and meeting many religious communities and leaders is that not all religious actors are (yet) fully aware, literate, supporters of freedom of religion or belief. Also, this is not shocking or "strange". It is part of the long-term process.

**Boost freedom of religion or belief literacy, engage in religious literacy.**

Literacy on freedom of religion or belief is a global challenge for all, for religious actors, for officials, for EU diplomats, for the youth. It is an important urgent response to the religious global warming we are observing these days. We need to invest massively in human rights and freedom of religion or belief literacy, notably for our youth. We need "enlightened" young citizens who can consolidate and fight for a culture of human rights. Digitalisation, the 4th industrial revolution, represents an immense opportunity for civic engagement, but at the same time an extremely useful tool for misinformation and polarisation, creating tensions, bubbles, and for channelling hatred.

We need to foster among youth a solid understanding of democratic values, so that they cannot be easily fooled by radical messages, by populist propaganda presented as independent media.

Ignorance generates intolerance and monsters.

The human rights toolbox is essential, but is not enough to deconstruct stereotypes, generate empathy and genuine acceptance of the other. Arts and culture can help by developing “feeling full thinking,” by opening hearts and minds, by provoking reflections on our global shared humanity. Emotions dominate decision-making. I feel, therefore I am. We need positive emotions to build trust and understanding among religious communities.

I have heard that Malaysia is moving in this area. I can only encourage you to do so. Is only by discovering the “religious others” that we can understand and construct sustainable trust and peace.

Interreligious cooperation requires professional, innovative approaches. It needs times and is a long-term endeavour.
The EU is open, keen and interested in working with you in this area.

Finally, let me encourage Malaysia to move on towards the ratification of the International Covenant on Civil and Political Rights. This is a cornerstone in the construction of a robust human rights architecture.

Let me share my reflection with you: evil have three main allies: Indifference (when we do not care); ignorance (when we do not understand or know) and fear (when we have no resolution to act). We need to engage, and we need to understand and learn, we need courage and act. Malaysia today can play an important role internationally for better FoRB for all. You live a unique moment in history where you can become exemplary and inspiring. Let me quote E. Roosevelt: human rights start here, in small places, close to us.