

Dr. Ján Figel'

Europe Must Stand up for Freedom of Religion or Belief

Today I want to share my experience as the European Union's first ever Special Envoy on Freedom of Religion or Belief (FoRB). Why is it important to discuss such an old topic as religion? That's because it matters: we do not live in post-religious times. Religion in international relations or even European relations carries a number of meanings. Having lectured on these topics at the Trnava University, I want to say that those who do not understand religion, and especially the abuse of religion, cannot understand what is going on in the world today. And how can things be made better if we do not understand them? If a doctor doesn't understand the diagnosis, how can he heal the patient?

This is why I am happy to have this opportunity to share my thoughts. My original education was technical, a form of education that was relatively accessible under the communist regime. For half of my life, I lived under a totalitarian system in Czechoslovakia. During that time, technological advances were widespread, such as the remarkable feat achieved by the Soviets when they became the first to launch a rocket into orbit. However, despite these technological accomplishments, freedom was noticeably absent. While I was immersed in mathematics, physics, and technology, the essential aspect of personal and intellectual freedom was missing. My name, Jan Figel', carries a profound significance for me: it belonged to my uncle, my father's brother, who was tragically killed by the Stalinist secret services in Czechoslovakia in 1953. When I was born, my parents chose this name to honour and remember my young uncle, whose life was so unjustly cut short. This reflects the reality of the system in which I was raised.

I would like to focus on three major points in this essay.

The first is: why is FoRB important and still relevant today? This is because it is important to all, believers and non-believers, and because it is a condition of good governance. It is a civilizational objective, a criterion representing freedom of thought, conscience, and religion. It is international.

It is a precondition for sustainable development. Why? Because development is synonymous with justice and peace, and peace is a fruit of human rights-based justice. That is why we need peace in order to have development. The Court of Justice today is quoted in public life and in the media. It is responsible for the protection and respect of human rights for all.

The significance of FoRB is underscored by the fact that it can be found in major European and international documents. It is, for example, in article 18 of the *Universal Declaration of Human Rights (UDHR)*: the fact that the document has 30 articles and that article 18 is right in the centre of it is not just about placing but also about meaning. It is of central importance because it combines our freedoms, implemented individually and collectively, in private and in public life. It is a litmus test for all human rights, because if it is respected, other rights will follow: rights to freedom of opinion, freedom of expression, freedom of assembly and

freedom of association. If this deepest human freedom is respected, then there is a chance that other rights will also be respected. If it is not, then we see oppressive, totalitarian regimes or situations.

In order to increase our understanding of what is being discussed, I will quote at least three major documents. The first, already mentioned, is the *UDHR*, in which the wording is the same as in the *International Covenant on Civil and Political Rights*. Article 18 states that “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”. This definition is the oldest.

A bit more recent, and protected by the *European Court on Human Rights* in Strasbourg, is article 9 of the European Convention on Human Rights of 1950. This convention is binding to all states of the continent of Europe within the Council of Europe. Article 9 goes: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief in freedom.” It is very similar to the UDHR definition, but it also contains a second part: “Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.” The first part therefore speaks of a sort of *forum internum* (“my right within my life”), and the second of a *forum externum*, which means that my freedom ends where the freedom of the other starts, or my freedom to worship, teach, practice or observe can be limited if there is justified public interest in terms of safety, public health or morals.

Lastly, the newest document is the *EU Charter on Fundamental Rights*, from 2000, which is valid within the *European Union*. Article 10 states that: “The right to conscientious objection is recognized in accordance with the national laws governing the exercise of this right.” It is crucial to mention this because conscientious objection is also part of the system, an instrument which is recognized by the European Union to protect freedom of conscience – my conscience and your conscience. All this underscores the centrality of FoRB in national and supranational laws.

Thus, FoRB represents a very important notion or concept of human rights because it is about human dignity. Human dignity is a foundational principle of human rights because it highlights the importance of both rights and duties. I have my rights but also my duties as a father, husband, and citizen. Rights cannot be enjoyed if nobody cares about duties. That is a frequent problem in our times: we express, we wish or desire for evermore rights but forget to speak about duties. Yet each system, each sustainable process needs a balance of those two, recognizing that neither can exist in isolation. As we navigate the complexities of our rights, we must also engage with our responsibilities, thereby fostering a society that honours the dignity of every person at the same time as that dignity expresses each person’s uniqueness and originality. If it is left unfulfilled, nobody can make it. Dignity expresses our rights and our responsibilities towards the other and towards the community in which we live.

The second major point I want to address here is the global situation. For years or even decades, as I stated at the beginning of this essay, religious freedom as a topic was neglected, abandoned, even forgotten. It was an occasional, but not a typical or very practical part of teaching, policy or even diplomacy. It was a frequently misinterpreted human right. Today,

according to data collected by the *Pew Research Center*, 79% of the global population lives in countries with high or very high obstacles to FoRB. Why such a high proportion? This is because the most populous countries on this planet – China, India, Nigeria or Pakistan to name just a few – have oppressive practices and policies. This is the first bad news, and the second is that this trend is not improving but worsening. Oppression is on the rise. Drivers of that persecution are totalitarian, autocratic regimes, proponents of religious nationalism and violent extremism, terrorists, and non-state actors.

There are four levels to this problem. The first and lowest level is intolerance, which is mostly a social phenomenon; the second is discrimination, the third is persecution; at the highest level, and regrettably a case not of theory but of practical reality, is genocide, a term invented by Professor Lemkin and others after the Second World War. Killing of people, genocide, fratricide, *ludobójstwo po polski*: these terms refer to the killing of people because they are different, no matter what shape that difference takes. It is important to mention this because it is the crime of crimes, and is not only a matter of the past or of history: I was nominated to my position because of the recent genocides in Syria and in Iraq. Genocidal situations are now almost regularly visible in some parts of Africa, or recently in Burma/Myanmar. The term “genocide” is also used to label the events – atrocities or persecutions – carried out in China against Uyghurs. It speaks about a lack of humanity, about failure to protect, to prevent and, of course, to punish.

The convention against genocide is based on three Ps: to *prevent*, to *protect* and to *punish*. To prevent genocide as such. If it still happens, then, to protect victims. And then to prosecute perpetrators who might otherwise repeat their so-called “successful solution” of problems. There was a Stalinist saying: “If there is a man, there is a problem. If there is no man, there is no problem.” According to this logic, liquidation is the solution. That is why the story of my uncle is an example of this barbaric logic. They liquidated him without trace. Until this day we do not know where he is buried.

The *Pew Research Center* has analysed and compared the restrictiveness of governments around the world on the basis of data from 2007 to 2017. The first conclusion of their report is that government restrictions on religion, i.e., laws, policies, actions by the state or by state officials against FoRB, increased markedly at the global level. 52 governments imposed high or very high levels of restriction on religion, up from 40 in 2007. Secondly, the report notes that the number of countries where people are experiencing the highest levels of social hostilities involving religion, including violence and harassment by individuals, organizations and groups, has risen from 39 to 56.

Other fields of study relevant to FoRB also paint a picture that is becoming darker: Bishop of Truro’s Report mandated by the British Foreign Secretary Jeremy Hunt in 2019 states that up to 250 million Christians are persecuted today and describes the situation as “the most shocking abuse of human rights today”. I can add that Muslim Rohingyas in Myanmar suffer systematic persecution, as do the millions of Uyghurs in China. Antisemitism is on the rise, including in the West. My nomination was a reaction to the genocide of Yazidis, Christians, and Shia Muslims committed by ISIS, the so-called Islamic State in Iraq and Syria. Bahais are suffering in Iran, Ahmadis in Pakistan, and the list goes on. Pressure is growing against groups from A to Z, by which I mean groups ranging from Atheists to Zoroastrians. Atheism may lead to capital punishment in 12 countries today. Conversions are punished by death in 22 countries. There are also 84 countries in the world that have blasphemy laws – some very stringent, such as in Pakistan or Mauritania.

In principle, if one minority is persecuted, many others are persecuted as well, making it a broader horizontal issue.

For too long, FoRB was like an orphan, an abandoned child, not treated as a priority in foreign policy or development cooperation. But there is also good news: FoRB awareness is growing. In 2013, the EU's then 28 member states adopted guidelines which established rules for the protection and promotion of FoRB in EU foreign policy and diplomacy. In 2014, the first intergroup for FoRB in the European Parliament was established with 38 parliamentarians. At the same time, the global Inter-Parliamentarian Platform (IPP), gathering parliamentarians from various countries, was established. Since 2015, there is an international contact group of FoRB diplomats from a growing number of countries; in 2016, the position of EU Special Envoy for the promotion of FoRB was established: following that and my appointment in May 2016 during Schumann's Day celebrations, several Member States including Hungary, the United Kingdom, Denmark, Germany, Lithuania, Poland, the Czech Republic, and the Netherlands, established their special envoys, ambassadors, and plenipotentiaries. In so doing they joined Norway, Finland, and Sweden, who already had such positions; Slovakia established a government plenipotentiary office in September this year. Other countries from the Union may soon join the group as well. Hungary's state secretariat for aid to persecuted Christians is the most active among all. I enjoyed several meetings with them, and they play a very visible role in the Middle East. We also have very active transatlantic partners in the United States and Canada. Two ministerial summits have already taken place in Washington, with concrete commitments, testimonials, networks and side events. 104 governments and over 1,000 religious and civil society participants came together in July 2019 in a very strong call for global FoRB cooperation. A new and unprecedented cooperation, the *International Religious Freedom and Belief Alliance*, emerged after the ministerial summit of February 2020 and is a network of like-minded governments, currently comprising 31 states.

In times of growing tensions, violence and conflicts, we have also witnessed an unprecedented rise in religious initiatives for peaceful coexistence. Earlier ones like the *Oman Message* were a reaction to the Beslan tragedy, which took place when Islamic terrorists killed children and parents in a school in the Caucasus in 2004. More initiatives, such as *A Common Word Between Us* (2007) and the *Marrakesh Declaration* of 2016, on the treatment of religious minorities in Muslim majority countries, have followed. The *Beirut Declaration*, also called *Faith for Rights* (2017), speaks about the responsibility of faith or religions for the protection of human rights. It was initiated and developed under the auspices of the *Human Rights Commissioner of the United Nations* in Geneva. Even more recent and better known is the *Abu Dhabi Declaration*, which was signed by Pope Francis and Grand Imam of al-Azhar el-Tayeb in February 2019 in Abu Dhabi. It is a very strong commitment on human brotherhood and peace between two major religious communities.

I am also glad to support the growing PaRD Initiative from Germany, an international partnership on religion and development which brings together more than 80 members and partner organizations. The Organization for Security and Cooperation in Europe (OSCE) is also becoming more active in the FoRB area. Additionally, under a Poland-led proposal, the United Nations General Assembly in 2019 agreed to designate the first ever International Day of Commemorating the Victims of Acts of Violence Based on Religion or Belief. It is now commemorated, celebrated and remembered annually on 22 August, the anniversary date of the killings in Sinjar, or the beginning of the genocide in the Nineveh Plains in Iraq in 2014.

My major message, and why I am glad to have this opportunity to share my thoughts, is that I want to invite those who are willing or like-minded to do something for a better century, for a century of hope with more humanity for more humane times. I remember a visit to Germany, after my nomination in 2016. At the end of our program with the Konrad-Adenauer-Stiftung, we visited the Bundestag where Angela Merkel was giving a speech about the Armenian genocide during the First World War. In the same year, the Bundestag voted to officially recognize these events as a genocide. Two years later, the U.S. Congress did the same. It was a strong message and of course, very problematic for international relations, causing strong reactions from Türkiye. But I want to highlight the importance, even after 100 years, of recognizing crimes and thereby doing something for the future. There were many more genocides in the last century, including the Holocaust, and mass killings in Srebrenica, Rwanda or Cambodia. This is why I say it is of utmost importance to start a different century. This is a litmus test. I visited 17 countries on working missions, spoke to many leaders, communities, organizations, and academic circles. And in the role of Special Envoy, I gained closer access to human suffering.

I am convinced we need a climate change in FoRB. Because if something is the most shocking abuse of human rights, if we speak about genocides as part of a problem where the numbers are worsening, it means that we need change. We understand the term “climate change” because we know we cannot do business as usual. It is not acceptable anymore and I think a mental and political shift is needed. In FoRB terms climate change means: to stop and reverse.

The situation is already alarming, trends are worrying, and they affect millions of people in many regions of the world. Therefore, the international community must first recognize the importance of FoRB. Second, the European Union and its Member States must make FoRB a permanent and important part of external relations. And third, we need to organize efficient cooperation on the promotion of FoRB with like-minded actors against violent extremism, religious fundamentalism, and intolerance. There are many reasons why these three points are on the agenda. We did a lot since the EU Guidelines have been adopted, when the European Parliament started to move together with some Member States. For example, over the past seven years, we worked on 28 projects with a budget of 18 million, in comparison with the 4 million and 23 projects only of the previous seven years. Now, EU delegations working in many countries all over the world have opted for entry points into this agenda, which covers not only FoRB itself but also non-discrimination, equal citizenship, minority rights, intercultural and interreligious dialogue, prevention of violent extremism – all of these issues that are bound together.

As mentioned, the foundational principle of human rights is dignity. The culture of human dignity is based on the respect of universal principles. We are all different when it comes to our identity. My son is different from me. But we are all equal in dignity. This moral principal should lead to equal citizenship, which means we hold an equal position in front of the state, law or power. Dignity is crucially important from a European or international perspective, but it is also embedded in many religious traditions. For example, the *Vatican Council II*, the major decision-making council of Roman Catholicism, has adopted major documents, including one titled *Dignitatis Humanae* (1965) which combines religious freedom with dignity. For Muslims, it is the Quranic concept of *karamah*, which is the Arabic term for dignity. For Adherents of the Bible, it is the concept of *Imago Dei* while in the Hebrew tradition it is the *Kavod HaBriyot*.

The already mentioned *EU Charter of Fundamental Rights* quotes four basic EU values, among which the first is dignity: Article 1 of Chapter 1 is about the protection of dignity. We should be aware of this and become active promoters of and defenders of it. The constitution of the most populous democratic country in the world, which is India, speaks about dignity already in its preamble. The oldest mention of dignity in a constitution in the world comes from Ireland in 1937. I had a very good experience when I shared understandings of *karamah* or dignity in universities such as the Punjab Institute of Islamic Studies and the University of Lahore, or at Ahfad University for Women in Sudan.

Human dignity may serve as a meeting point for both secular and religious humanists, if they are humanists. *Punta del Este Declaration on Human Dignity for Everyone Everywhere*, from December 2018, is a recent proof. I am happy that hundreds of scholars, experts and activists signed this declaration, and they not only commemorate the Universal Declaration of Human Rights, but also recommit to its foundational principle. I was one of the initiators of this document, which is still open for signatures and I want to invite readers to look for it on www.dignityforeveryone.org

And as I mentioned, equal dignity as a moral principle should be translated in our countries and in our times into a socio-political principle: equal, fair and inclusive citizenship. Whatever the objective is, it must be dignified for all. This is what brings us to a mosaic-like pluralist society, to a civil state based on equal citizenship. And this is the best option for our countries, for those who are in conflict or in a post-conflict situation. I was very pleased with two meetings in which I took part in Iraq: one was with Patriarch Louis Raphaël Sako, Patriarch of the Chaldean Church in Erbil; the second, in Najaf, was with Bashir al-Najafi, one of the four Grand Ayatollahs of the Shia Muslims, who act as the top collective leadership in Najaf in Iraq. Both Christian and Muslim leaders used the same language about the future of Iraq as a civil state with equal citizenship for all: not as an Islamic Republic, but as a civil state. It is a great message when religious leaders want to have such a civil state that is fair to all.

Furthermore, interreligious and intercultural dialogue must become a norm, not an exception, a ceremony or an occasional issue, and dialogue must exist not just as a show of dialogue but for the purpose of coexistence and truth, because in truth we are set free. Truth liberates everybody. This quest for truth means a quest for justice and for the common good as well. This was also the spirit of Article 17, which is an article of the *Treaty on the Functioning of the European Union*, when I was regularly invited by First Vice President Timmermans to the regular and transparent dialogue with churches and religious communities.

In today's world politics, identity plays a major role, which is important. That we are all different is something we must respect and recognize. But this is not the end of the story, because we need to move from identity towards an awareness of interdependence. We live together, we all faced COVID, we all simultaneously face the problems of our times. There is no such thing as splendid isolation. There may have been countries that lived in splendid isolation, as Austria did with its neutrality, but those times are over. Furthermore, this should lead to an ethics of shared responsibility. I have already mentioned some of those initiatives towards responsibility that have inspired leaders. When people see leaders like Pope Francis and Al-Tayeb, Grand Imam of al-Azhar, coming together, they understand what this image means. They do not read too much into Church documents, Islam's *Fatwas*, but they see those images and the messages they create together: not against, not isolated, but together in

dialogue and embracing each other. There is an urgent need for those images. Additionally, we need communities that understand the ethics of shared responsibility.

The lesson is: Unite Europe. I've never seen grave or strong expressions of anti-Europeanism in Africa or Asia because many even cite Europe as a good model of living together, of working together in freedom and prosperity, which is why they would like to join Europe. This is a powerful tool of attraction. It is a lesson in the common good because, starting from hatred, violence, war and tragic division, it grew from common ground between France and Germany and six other countries, to reach an understanding and definition of common values and interests towards bringing a common good and future. It is not a miracle but a logical process. We need to help with this process, with this inspiration in the Middle East. Because if there is a fire, we feel it. If there is a conflict, we have a crisis. If we do not care, we all pay the price. We have to care: reasonable, functioning solidarity will pay back.

I know from my missions that the EU is welcomed when not teaching or preaching but sharing. When not imposing but proposing. This is the power of attraction; this is real soft power. I helped some people get out of prison, because of this power not to dictate but to invite, to persuade, to share. It was very visible and concrete in Pakistan and in Sudan. And prior to that, this has helped while I was active in Cuba and Iran.

Evil, which is so visible and omnipresent, is very successful today because it has efficient and cheap allies, and they are very widely spread and influential. These are the three siblings: indifference, ignorance and fear. Indifference is when we do not care for what is so far away that it seems not to be under our responsibility. Ignorance is coming when we do not know what is going on, when we do not understand and do not even try to understand. Fear is when we ignore the problem because we have our own problems, which already overwhelm us. That makes us scared, and we fear speaking out, even for people in need who are defenceless. This is how crises evolve.

We instead need to nurture allies of good. There are also positive siblings like engagement (to do something, at least a bit), education (to know, to understand), and then, of course, courage, which is simple but very important. It takes a civil form of human courage to say something or to do something. At least "not in my name": if somebody kills in the name of Allah, then it is expected that those who are against it will raise their voice.

Religious literacy is important. We talk a lot about digital literacy. It is important to be connected, to understand and to have digital skills, but those who do not understand religion, and especially the abuse of religion, cannot help. Smartphones are important, but more important are smart people with smartphones because then they can make a difference as smart people with smartphones, who are working together online, globally and locally. We need smart people in diplomacy, in public policy, in schools, in universities, in the media, as community leaders. Of course, with more than smart technologies, IT is a good instrument.

I'm glad of the activities of the newly established *European Academy of Religion*, which I support. It is a network of universities, faculties, journals and scholars headquartered in Bologna and working at the nexus between religion, diplomacy, law, science, and the economy. The good news is that it is growing more than we expected. I was happy to get FoRB visible at the European Development Days, especially when *Lorenzo Natali Media Prize* had a special edition on a FoRB prize, because we do not usually get to read much about religious persecution in the media. We do not know which evil ally is at play, whether

it is lack of knowledge or indifference. We obtained the prize for one professional and one amateur journalist; one was from Tunisia and the other from Burkina Faso. We discussed with the best students at *Global Campus of Human Rights* in Venice. You can find more on the webpage www.janfigel.sk, including the final report on the mandate of Special Envoy and its very timely recommendations for the European Union (2019).

I was nominated by Jean-Claude Juncker, and I ended my mandate with the end of his Commission. It allowed me to meet leaders, communities and organizations around the world, and to start something unprecedented. It was no easy work, so I hope it will continue. As I mentioned, it has now already developed at the level of Member States. Despite very limited working conditions, we combined hard-working, team-working and networking. All this was behind the nine very encouraging stories of prisoner releases in Sudan, including the release of two persons sentenced for life, one a Czech national and the other the Sudanese Muslim Professor Ibrahim Mudawi. There was also Asia Bibi, who was sentenced to death in Pakistan and is now living in freedom in Canada with her family. It was a very important experience that even with papers or a computer in our hands, it is possible to make a difference by acting, communicating, and using European programs, projects and relations. This is the European mission: Europe is seen as a protagonist of human rights only when it really acts upon this mission. Beside his family and his lawyer, I was the first who was allowed to visit Professor Mudawi in Sudan while he was still imprisoned. This visit had a profound impact on the regime's decisions and, one year later, the regime collapsed. Omar al-Bashir is no longer the president of the country. I am not so naïve as to say that it always happens this way, but we must do what we can. All else will happen or not happen.

Coming to the end of this essay, I have five recommendations to make. These are: first, to work on the floor within the human rights framework and through the Sustainable Development Goals (SDGs), including education, equality, and peace. Second, to boost literacy, knowledge and understanding. We cannot live as in a jungle of international relations. Third, to support engagement with religious actors and interreligious dialogue. I am sure the notion of corporate social responsibility, which refers to the responsibility companies have not only in terms of their profits but also for the social conditions in which they operate or make business, is well known. Not only is religious freedom important, but so is religious responsibility. Because freedom without responsibility is one-sided coin and therefore will cease to exist. Religious social responsibility is the responsibility of those organized communities for their relations and for the conditions they are living in. Fourth, to implement a more strategic and contextualized approach at country level. In Pakistan, for example, the issue is not only about individuals who are on death row, because there are many – currently up to 50 are on death row – but about punishment being mandatory for blasphemy there (blasphemy against the Quran, the Prophet, Allah or the mosque). Punishment there is not a 5- or 10-years sentence: it is full, absolute punishment, either as life-long imprisonment or as capital punishment. This is why I say it is very stringent. Therefore, if there is a strategy, it should really be focused not only on some individuals, but on the system, which is inhumane in Pakistan. And if there is a trade agreement worth billions of euros annually, which is very beneficial for Pakistan's citizens, companies and state and for its budget, the country should follow not only money or business but also rules. This is how Europe can make a difference for people in Pakistan. It may be a nuclear power with a population of over 200 million, but still, we have influence. The fifth and final recommendation is to step up the coordination among Member States and within the European Union on FoRB.

I started with bad news and continued with hope, and this essay is really about the change of century. A century is not about mathematics, it is about trends and tendencies. The century of wolves, according to Mandelstam, started in 1914 when suddenly the First World War started. The Second World War came as a sort of revenge after the first, and the next one was a Cold War after the division that stemmed from the Second World War. In Europe, 1989 is called the *annus mirabilis*, the miraculous year, because all that confrontation collapsed. In Germany, the Berlin Wall fell; in Czechoslovakia and Hungary it was the Iron Curtain, which was not only a curtain but also a battlefield on which dozens of people – 400 Czechoslovaks and Germans – were killed while trying to flee from the Soviet Union. Why is this worth mentioning? Because we need to end this century of genocides which relates to a disregard for human dignity. And I hope that the effort of those who are committed and of those who believe that we can make a difference, will bear fruit.

I hope my essay has made clear the central role of religion, since it has been a component of humanity from the beginning and will continue to be so in the future. According to the Pew Research Center, 84% of the global population claim a religious affiliation, underscoring its significance for humanity. Religion can be used for good or for bad, but the best times for humanity, the best periods of civilization were those where religion or faith worked together with science and knowledge – or reason, to use a better word – towards truth and the common good. We should help to orient the forces of humanity and the drivers of civilization towards the common good, not towards abuse. Therefore, we need to understand religion as an important force and to utilize it for civilization and for a more humane 21st century.