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Fundamental freedom II, including: Freedom of thought, conscience, religion or belief

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CHALLENGES & STATESMEN ATTITUDES? – LET US LOOK TO SOLUTIONS

Presented on behalf of the International Association for the Defense of Religious Liberty
(AIDLR) by Dr. Liviu Olteanu¹

Distinguished Chairperson and Participants,

Excellences,

The intellectuals analyze² the operations of international systems; statesmen build them. And there is a vast difference between the perspective of an analyst and that of a statesman. The fact that statesmen, scholars and human rights experts are all in attendance at this OSCE Human Dimension Implementation Meeting in Warsaw Poland on 30 of September 2015, and that they are working together and trying to draw solutions for sensitive contemporary issues, should be regarded as a positive outlook on the horizon of human rights.

When we consider the challenges of human rights and religious freedom issues, violence and terrorism in the name of religion and refugees and so many other contemporary humanitarian issues, I believe that *a rethinking and reconstruction of the international system is so very necessary.*

¹ Dr. Liviu Olteanu is Member of the Human Rights Institute from Law Faculty University Complutense Madrid as researcher and professor. He is the Secretary General of the International Association for the Defense of Religious Liberty (AIDLR) from Switzerland. He is Observer & permanent representative at the United Nations in Geneva, New York and Vienna & European Parliament in Brussels and Strasbourg and he also is representative at the Council of Europe in Strasbourg and at the O.S.C.E. He is director/editor in chief of the „Conscience & Liberty“ and „Liberty today-Trends & Attitudes“ magazines. Liviu Olteanu got the title of Doctor in Law with “Summa Cum Laude” after his doctoral studies developed at the universities of Madrid and Oxford, on: “Origins and Horizon for the Fight of Religious Liberty. The United Nations and Diplomacy in Action for the Protection of Religious Liberty”. He has earned a Bachelor’s degree in law, a Bachelor’s and a Master’s degree in theology, a Master’s degree in education, the title of Expert in human rights, a degree in international studies and diplomacy, a diploma of Advanced Studies in Law and also he received a scholarship at Oxford University.

² Henry Kissinger , *World Order*, Penguin Group, New York, 2014.

The structure of the twenty-first-century world order should be revealed³ on the one hand as subjected to pressure, problems and crisis and on the other hand by the absence of an effective mechanism of application at the level of the international community.

I would not like to stress now on the contemporary *challenges* or *statesmen attitudes* but on some regional and international *solutions*.

According with my research and the AIDLR expertize there are regional and international Challenges, Attitudes and Solutions.

Contemporary challenges

- (a) Respect for differences and protection for religious minorities*
- (b) Adapting the policies to global change and confronting religious violence*
- (c) Respect for dignity*
- (d) Divergences on common values, human rights approach and freedom of expression*
- (e) Migration and refugees issue*

Statesmen Attitudes

- (a) No consensus among key participants nor about application;*
- (b) Less cooperation;*
- (c) No common model;*
- (d) Ineffective rules and absent enforcement;*
- (e) Exclusionary spheres of interest*

DIFFICULTIES, CHALLENGES, ATTITUDES

One of the great difficulties resides in reconciling cultural identity and respect for differences in a society where beliefs and cultures coexist. According with Robert Seiple the first US Ambassador for Freedom of Religion: The Governments that ignore the religious liberty of the minorities or discriminates them, cannot obtain security for the majority. Social achievements are never the result of the efforts of a single individual or even a group of enthusiastic and committed people. Nor are they the exclusive work of a government or administration. They come from the willful and consistent work of a series of individuals who agree on common goals.

Today, almost each of the cultural claims hides a violence of a religious nature. Belonging to the same culture or religion is not a guarantee of tolerance or of a political happiness. According to the UN Special Rapporteur on Freedom of Religion or Belief, the violence committed in the name of religion typically originates from contemporary factors and actors, including political circumstances. Heiner Bielefeldt recommends

³ Henry Kissinger, *World Order*, Penguin Group, New York, 2014.

concerted actions by all relevant stakeholders, including States, religious communities, interreligious dialogue initiatives, civil society organizations and media representatives, in order to contain and eventually eliminate the source of violence committed in the name of religion. Also we cannot divide the idea of human rights into "Western," "Islamic," and other culturally defined conceptions, however, because it would be the end of universal human rights. What is needed is a critical defense of universal human rights in a way that creates room for different cultural and religious interpretations...⁴

The “Charlie” issue or how to approach/treat the “divergences” on freedom of religion and freedom of expression

We have seen expressed divergences on the slogan: “*I am Charlie*” and “*I am not Charlie*”. Is it possible to be “Charlie” and same time, not be “Charlie”? What does it mean to emphasize, “I am Charlie”? yet also stress that: “I am not Charlie”? Saying “*I am Charlie*” means that we strongly condemn the terrorism, the loss of human lives, but also recognize and emphasize that freedom of expression is fundamental to all human beings, and nobody can take away and “kill” this freedom. Saying “*I’m not Charlie*”, want to stress that is advisable to express ourselves with prudence and respect, especially when we know that our 'language' affects the sensitivities of *forum internum* of one person or religion. We must take into account certain limits that I self-impose on my freedom of expression, with the purpose of respecting the feelings and dignity of others or matters related to their religion. Whereas many reject the idea that some things simply must not be criticised, British historian Timothy Garden Ash reminds us that freedom of expression does not mean that anyone should be allowed to say anything, anywhere and anytime, and, therefore, of how delicate this debate can be ⁵. To have respect for the other and to live together in peace, one must self-impose limits and be aware of what one can and cannot say in public.

Every partner (power) has a different model, and has in fact, pursued a concept of international relations drawn from its history and based on its expertise.⁶ The system’s rules have been promulgated but have proven ineffective due to the lack of active enforcement. The pledge of partnership and community has in some regions been replaced, or at least accompanied, by a harder-edged testing of limits. More elemental forms of identity are celebrated as the basis for exclusionary spheres of interest.⁷

CONTEMPORARY SOLUTIONS

The issue of the dignity of every person and of protected life - in the context of wars and migration, the issue of human rights and freedom of religion and freedom of expression – in the context of violence and terrorism in the name of religion – need an INTERNATIONAL and REGIONAL COOPERATION, COORDINATION and ORDER, a STRATEGIC PLAN with an EFFECTIVE MECHANISM and an ACTIVE APPLICATION and require respect for human rights and fundamental freedoms, on the basis of principles, values, international cooperation and coordination.

⁴Heiner Bielefeldt, *Western” Versus “Islamic” Human Rights Conceptions? A Critique of Cultural Essentialism in the Discussion on Human Rights*.

⁵ Yael Ohana, *Youth transforming conflict. T-Kit Youth transforming conflict*, Partnership between the European Commission and the Council of Europe in the field of youth, Council of Europe Publishing, October 2012.

⁶ Idem, p. 716 .

⁷ Henry Kissinger, *World Order*, Penguin Group, New York, 2014, p.364. 365.

Practical proposals

- (a) *Dialogue and communication between cultures, religions and governments*
- (b) *Coordination (of dialogue and measures) between different categories of stakeholders (see the project initiated by the AIDLR named "Dialogue five").*
- (c) *Train the trainers.* Education and training on principles, common values, the culture of respect and non-discrimination for all people
- (d) *Defending not a religion or a church...but the Principle of religious liberty,* freedom of conscience and freedom of expression for ...all people
- (e) *A prudence and balance approach on divergences*

Dialogue, Tolerance and Diversity

Active tolerance requires the practice of recognition of others. We are equal and we are different, that means we need to be tolerant. Tolerance is respect for diversity through our common humanity. The climate of tolerance starts through eliminating the factors that threaten peace and democracy, namely: violence, xenophobia, racism, aggressive nationalism and fundamentalism, violations of human rights, religious intolerance, terrorism and the growing gap between rich and poor countries.

We should consider the religious diversity as useful for our times. But it becomes a negative when the state religion is set in law or in fact, when there is an obligation to belong to a particular religion or those persons or institutions linked to another religion are deliberately excluded. Religious intolerance often leads to hatred, division and war. Religious people too often betray the noble ideals they themselves have preached.

Different categories of stakeholders and coordination

To demonstrate the efficiency of the holistic approach, the International Association for the Defense of Religious Liberty (AIDLR) initiated a new paradigm project named "Dialogue five": *diplomatic, political, religious, academia, civil society representatives, working together*. The AIDLR and Human Rights Institute of the University Complutense of Madrid, organized the International Conference hosted in Madrid at the Human Rights Institute Law Faculty on 2014. The UN Special Rapporteur on Freedom of Religion or Belief Heiner Bielefeld's observations on *coordination*:⁸

- I attach great importance to the design of the Madrid Conference proposed by the International Association for the Defense of Religious Liberty, for the systematic consideration to have 'five' different actors, i.e. the presence of five differing levels of Human rights at various levels of Human Rights Institutions.

- We have human rights obligations at different levels: national, regional and international and religious beliefs and human rights develop in different directions and can mutually undermine each other. We have the Council of Europe approach, the EU approach, various national approaches, the UN approach...Still I think as a matter of fact these different institutions sometimes are worlds of their own". "We need coordination: one purpose is to avoid a mutual undermining of the authority of human rights standards and for that reason we have to know one another better, to be aware of what's happening, so from my perspective now working in the UN, it is very important to see what's

⁸ A/HRC/25/NGO/121 p. 4.

happening in the Council of Europe, in the EU, and in different countries...”

- The structure and purpose of Madrid Conference demonstrated how to avoid damage, risky situations or a loss of authority because one institution could be played off against other institutions; but of course there is also the positive opportunity to learn from one another, this is the task of “cross-fertilization”.

- We do need these exchanges in order to know from one another’s activities how to mutually support and reinforce one another rather than possibly undermine each other without even knowing what we are doing.

- The Madrid Conference really sets an example, this is something we have to do and is really something we should copy, it is good and useful; we should establish that on a regular basis in fact. The aim of the AIDRL is to develop a consistence holistic framework at various levels, institutions and for the elements of infrastructure to fit together.

To train the trainers

Continuous education and training of governments, parliament, religious and civil society representatives on common values, the culture of respect and non-discrimination.

Let’s us start by training the stakeholders and- first of all - the *policy makers* by education programs on freedom of conscience and religion, freedom of expression and common values. The danger that threatens us today IS NOT, as some say, the clash of civilizations, but the absence of shared values. Evidently, problems and changes in our world affect us all. Increasingly, there is a need for the role of values to be encouraged as promoters of the person and of society.

Defending –not a religion or church but the principle of freedom of religion for all people

And of course, having *prudence* and *balance* on how we solve the divergences

FINAL THOUGHTS

(a) *Every international and regional organization and concretely every country needs to - and can - promote through its example and its politics, the Culture of Non-Discrimination, the Culture of Respect, Justice, Tolerance and Liberty for all people, religions, cultures and civilizations, religious minorities and for dignity of each person.*

(b) *Neither the Christian denominations nor Muslims, Jews, Hindus, Buddhists, Bahai’s or Socialists, Communists and so on, have any moral right to impose pressure on another to accept their philosophies, beliefs or religion; they also have no right to prevent another from voluntarily teaching their teachings or to stop another from changing his or her religion.*

(c) *Governments should not have any right to impose an ideology or to discriminate against the religious or other belief minorities or to manifest discrimination, intolerance or persecution against the freedom of conscience of any persons, who are different to them.*

Let us all promote respect towards differences in the OSCE territory where various

beliefs and cultures coexist.

Always, the International Association for the Defense of Religious Liberty from Switzerland have been and will be by its expertise a serious partner and supporter to the governments, parliaments and to the international and regional organizations as the United Nations, the Organization for Security and Cooperation in Europe, the European Union, the Council of Europe, the national parliaments, in favor a the promotion and protection of human rights, democracy, rule of law and no discrimination for religious minorities, respect of dignity of every human being, fundamental freedoms, the principle of freedom of conscience, religion and expression for all people. We have to defend the every human person, the dignity, human rights and principle of religious liberty for all people; in this way, the security and the peace will be the most important result for our world.

Thank you.