

## Freedom of Religion as a Public Policy: A Reflexive Approach to the Implementation of Commitments

by

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Dear Friends, Excellencies, Ladies and Gentlemen, Distinguished Delegates,

It is a great honor for me to be given this opportunity to address you on the freedom of religion and the human dimension of OSCE commitments. In continuation of the previous review conferences, today, we, the speakers, are asked to engage in an analysis of **the human dimension of commitments**, with particular attention to emerging issues and challenges facing States, civil society, religious or belief communities and individuals in the OSCE area.

In focusing on the question of freedom of religion, we need to adopt a practical and reflexive approach to the public space and common good, with reflexivity. Reflexivity, as coined by Anthony Giddens, is what Avicenna (Ibn Sina) called centuries ago - *irfan*, is the virtue/excellence of thought that deals with human choice and human action in relation to how one best lives one's life not only in private life but also in the public space. Reflexivity begins with the availability of individuals and institutions to reflect upon their own circumstances and refers to 'direct feedback from knowledge to action'. This may just allow us to develop a way of 'living together' based on an ethics of disagreement. This is another way of dealing with new challenges facing the implementation of commitments on freedom of religion in the public space.

Ladies and gentlemen,

The question of implementation is closely related to public policies. Public policy can be generally defined as the course of action (or inaction) taken by the state with regard to a particular issue. Other scholars define it as a system of "courses of action, regulatory measures, laws, and funding priorities concerning a given topic promulgated by a governmental entity or its representatives." Public policy refers not only to the end result of policies, but more broadly to decision-making and analysis of governmental decisions.

Freedom of religion and belief requires states to show equal respect to all beliefs – whether religious or nonreligious, theistic or non-theistic. The right to freedom of religion or belief in modern secular context was first stated by the U.N. in the Universal Declaration of Human Rights in 1948. Nineteen years later it was made legally binding (for signatories) by its inclusion in the 1967 Covenant on Civil and Political Rights, and, after nearly twenty years of drafting, the U.N. finally gave it detailed expression in the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief. In 1986 the U.N. Commission on Human Rights appointed a special rapporteur to investigate actions inconsistent with the 1981 Declaration and to recommend remedial measures.

One of the major issues challenging the debate surrounding 'the right to freedom of religion' is 'the right to freedom from religion' as many humanists put forward. Some argue that governments, and even human rights organizations, misinterpret 'freedom of religion and belief' so as to deny the rights of the nonreligious. It is again argued that 'freedom of religion'

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does not include the right to ‘freedom from religion;’ the meaning of ‘belief’ is misunderstood or even mistranslated. This is an unending symphony, which will probably live with us for a long time. Many religious believers throughout the world feel that their most cherished beliefs are threatened and negated by secularization; it may be difficult for them to accept that in working to protect the right to religion they should also ensure the right to freedom from religion.

Some of the issues surrounding freedom of belief may also be challenging for secularists. The distinction between a neutral state – treating religions and beliefs with equal respect – and an atheistic or anti-religious state can often be blurred or controversial; for example,

- should state schools ban religious expressions by pupils or merely ensure equal treatment and opportunity for expressions of belief?
- • Other issues on which there may be mixed feelings include:
  - the right to proselytize (even by the so-called ‘brainwashing cults’? even in the workplace?);
  - the right to determine the education of one’s children (versus the right of the child to an objective, fair, and balanced education);
  - o the land rights of indigenous people whose religion is based on a spiritual relationship to the land (should these claims override other claims to the land?);
  - the right to determine one’s own health care (even if one has a ‘self-destructive and irrational’ religious objection to a life-saving treatment?);
  - or the medical treatment of one’s children (what if a child refuses a life-saving blood transfusion on religious grounds: can the state overrule the principled choice of the child and/or the parents?).

Religious and nonreligious believers must work together – at local, national, and international levels – to make freedom of religion and belief a reality.

Dear Friends,

We have engaged the Review Conferences (in Warsaw, Astana, and now Vienna) with a strong focus on security matters related to human rights and fundamental freedoms, viewed in terms of the human dimension of security. But what about the religious dimension? The religious dimension seems to be overlooked from time to time. Yet it is here that a crime such as Islamophobia needs to be addressed, in the religious dimension of the human dimension, because it **faces us with a big challenge in terms of the relationship between freedom of expression and freedom of religion or belief.** Islamophobia is a form of cultural terrorism. *Within the last month only, there were tens of violent attacks on mosques in various Western European countries. **These attacks threaten the freedom of religion. Beside hate speech and hate crimes, freedom of religion related challenges faced by Muslims in Europe also include:***

- arbitrary administrative obstacles in the attempt to build mosques (the minarets issue in Switzerland);
- the interdiction to have their own graveyards or special sections in general ones;
- restrictions on veiling of Muslim women;
- non-recognition of Islam as an official religion, despite the Muslims being the second largest religious community in a given country;
- denial of funds from the state budget, which other religions receive;

- indirect or sometimes direct intervention of governments in the religious affairs of Muslims and in the selection of muftis;
- problems with waqf/communal property;
- teaching about Islam in public schools;
- surveillance of Muslim charities;
- denial of visas for foreign imams in some countries
- denial of the right to produce halal meat

**Islamophobia threatens the very notion of freedom of religion because it goes beyond its own ‘borders’ and creates a butterfly effect, fueling other forms of discrimination and racism.** Europe should therefore be careful in developing integration policies – of religion culture politics – not through security measures but through an ‘inter-culturally civilized transformative power,’ acting as an example. Any public policy dealing with Muslim immigrants under the category of ‘security’ measures only, will become a boomerang, creating a Don Quixote syndrome which is self-damaging for European societies.

Dear friends,

The policy dimension of ‘implementation’ is a business to be handled by governments. Governments should be able to identify through disaggregated data collection who the targets of racially or religiously aggravated offences are, if they were to create effective policies to address these phenomena. In order to strengthen freedom of religion they need to:

- Take all necessary measures to prevent racial/religious profiling and other forms of institutionalized racism, including Islamophobia;
- Conduct public awareness campaigns and specific programmes for governmental officials and citizens alike;
- Encourage and support intergovernmental human rights agencies and non-governmental organizations dealing with discrimination on the basis of ethnicity and religion;

In a nutshell, it is for governments to take action. Our job here is to encourage and share ‘perspectives’ for a broader view of implementation and this relates to **ethics, legislation and education**. The manifestations of freedom of religion or belief, like freedom of worship, religious education, religious literature, autonomy of religious communities etc., are closely linked to the question of ‘**approach**.’ Unless the approach is ‘sober’, the implementation effort will not be very successful, hence the need to lay the emphasis on the ‘phronetic’ approach.

At this point, we also need to encourage work with the civil society for the grass-root on-the-ground implementation of the OSCE commitments through, inter alia, community outreach, education, victim assistance and monitoring of hate groups. I would therefore like to propose 3 concrete steps which could be taken towards a better **understanding of freedom of religion** and implementation of commitments:

1. We should develop an **ethics** of disagreement, which should include policies of integration and interculturality, and begin with ‘listening to the other’. This should also involve a more accurate use of language about religion and ethnicity, which are at the core of a multicultural society. **Freedom of religion is also a matter of language.** Governments, NGOs and especially the media should take the utmost care not to feed

stereotypes about any religion or ethnic group. Let us remember that borders are created through ‘language’. Language is the physical manifestation of thought, the mortar in which we shape our understanding of the world. But what happens when words are transmuted from one language to another and subjected to preconceived notions or limitations prevalent in the new language? Do they lose some of their original meaning? If we were interested in gaining a better, more accurate understanding of any religion and ethnic culture, its concepts, doctrine, and ideas, we should concede that the definitions that shape our discourse on minorities in Europe **need a more robust scrutiny**. Cultures travel through media, but they are also transformed through the language in which they are presented. The public image of any given religion or culture is also shaped by language. Therefore, it is within an ethical framework that especially the media should portray and present issues related to religion and ethnicity, not for the sake of the ‘controversial value’ of it only.

2. We should also further refine the legislation designed to support freedom of religion, which should regard all levels - political, legal and economic, in both the national and international arena, in a systematic and strategic way. Legislation is crucial in terms of establishing *a sensible balance between freedom of religion and freedom of speech, because there are many instances when freedom of speech is used against freedom of religion*. Also, there are many instances when legislation exists but it is not enforced or it is faultily enforced, often purposefully so. **When attacks on mosques, prayer halls, community centers, ban of religious symbols, ban of religious education in public schools and hate crimes are the direct result of the incitement of politicians using the cover of freedom of expression in the supposed context of the immigration debate, they become relevant to freedom of religion, because this leads to a societal culture which suffers from mistrust, stereotyping and finally limitation through legislation.**
3. Not last and not least we should promote an **education** that counters xenophobic stereotypes and prejudices and facilitates respect and mutual understanding, which are essential in maintaining our gains for freedom of religion. *Teaching is one of the most sensitive areas in the sphere of freedom of religion or belief for those concerned with the transmission of values to the next generations*. What we need is to understand, recognize and allow for differences and disagreements that require a certain level of **reflexivity** for a peaceful presence of religion in the public space. Yes, there is no place for utopia here, but understanding means ‘standing under’ something one wants to understand. Understanding is an approximation. ‘Better understanding’ is a key to the successful implementation of commitments on freedom of religion. And better understanding comes through education.

Therefore, dear friends, freedom of religion should make the object of an integrated and inclusive system of public policies. Public policies based on a phronetic/irfaani (or ‘practical wisdom’) approach that includes ethics, legislation, and education, will lead to **a better implementation of commitments on freedom of religion**.

With this I conclude my remarks, look forward to our discussions and wish this conference every success.

Thank you.