

**INTERNATIONAL SEMINAR  
ON RELIGIOUS FREEDOM:  
HUMAN RIGHTS, SOCIAL  
INCLUSION AND POLITICAL  
PARTICIPATION  
THE CASE OF CHRISTIAN  
COMMUNITIES**

**Florence,  
June 13th – 14th 2011**



**United Nations Alliance of Civilizations**  
Many cultures. One humanity.



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# INTERNATIONAL SEMINAR ON RELIGIOUS FREEDOM: HUMAN RIGHTS, SOCIAL INCLUSION AND POLITICAL PARTICIPATION THE CASE OF CHRISTIAN COMMUNITIES Florence, June 13th – 14th 2011



## INTRODUCTION

Spain and Italy held on 13<sup>th</sup> and 14<sup>th</sup> June 2011, an International Seminar under the title “RELIGIOUS FREEDOM: HUMAN RIGHTS, SOCIAL INCLUSION AND POLITICAL PARTICIPATION. THE CASE OF CHRISTIAN COMMUNITIES”. This Seminar was convened in cooperation with the European University Institute in Florence under the auspices of the UN Alliance of Civilizations, and along with a number of countries of different regions committed to this pivotal issue.

This encounter was structured in two parts. The first part dedicated to the mentioned topic of the Seminar. The second part consisted in a preparatory meeting in view of the IV UNAOC Forum due to take place in Qatar on 11-13<sup>th</sup> December 2011, focusing on *Religious diversity*.

Main goals for both exercises were:

- To promote an objective analysis on the situation of religious minorities and on how to assure the full exercise of freedom of religion and belief and the equal enjoyment of social, economic and political rights.



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- To generate awareness of countries where minorities live so that governments can promote, through dialogue and coordination, good policies and practices to avoid discrimination and remove obstacles against the exercise of the full set of rights and freedoms by the members of those communities.
- To contribute to prepare general works on the protection and respect of religious minorities and for the adoption of measures that will promote acceptance, non-discrimination, recognition and inclusion for religious minorities.
- To overcome divisions and conflicts fight against discrimination of religious communities.
- To identify projects, actions and policy recommendations in this field.

## **CONCLUSIONS**

### **PANEL 1: INTERNATIONAL CO-OPERATION FOR THE PROMOTION OF FREEDOM OF RELIGION: HUMAN RIGHTS AND THEIR CULTURAL DIMENSION**

#### *Segments*

- 1.1 Global citizenship, fundamental rights and freedom of religion
- 1.2 How to address the cultural dimension of freedom of religion?
- 1.3 How to address religious diversity at a global level?

#### **Conclusions**

*International co-operation for the promotion of freedom of religion is needed because:*

1. In today's globalising world
  - A. ...societies have become increasingly aware of their religious, cultural and social diversity.
  - B. ...violations of religious freedom in one country have cross-border or even global effects.
  - C. ...religious communities have become increasingly aware of their transnational role and relevance
2. Freedom of religion and freedom of conscience are inalienable universal human rights of non-reciprocal nature like all other human rights and fundamental freedoms. They should be implemented at global, regional and national levels through common efforts across the political spectrum and involving all relevant stakeholders.
3. Democratic management of cultural and religious diversity is a key to pursue the common good and to foster social cohesion as well as to prevent possible tensions over identity.

4. Religions have an important role to play in developing a universal culture of human rights.

#### *Key issues*

- Culture and religion are interconnected. It is not always easy to delineate what is specifically cultural and what is specifically religious.
- The scope, implications, and limits of religious freedom are evolutive issues to be addressed according to international law of human rights. Their implementation is a common responsibility of all stakeholders, especially at national level.
- Experience shows that religious freedom and freedom of expression are, at times, in tension with each other. International co-operation can help to ease these tensions.

#### *What can be done?*

1. Promoting at all levels religious freedom as a basic human right and its linkage with freedom of conscience and freedom of thought (Art. 18 of the 1948 UDHR).
2. Understanding *laïcité* or secularism in a positive, progressive, and inclusive way. Promoting “positive secularity” as a concept which does not *a priori* push religious ideas, actors, and practices away from the public sphere, while guaranteeing the rights of non-believers.
3. Encouraging a stronger sense of pluralist citizenship and shared identity which connects people irrespective of their religious or philosophical convictions or beliefs.
4. Encouraging religious authorities to work in favour of the implementation of human rights and religious freedom.
5. Promoting pluralism and democratic governance of diversity at local, national, regional, and global levels.
6. Raising awareness that the exercise of human rights and fundamental freedoms entails duties and responsibilities.
7. Developing human rights education at all levels, including within the establishment of religious communities.
8. Raising awareness about global interdependence and promoting human solidarity at all levels to overcome global challenges.

**PANEL 2: INSTITUTIONAL AND POLITICAL PARTICIPATION FOR THE FULL RESPECT AND EXERCISE OF RELIGIOUS FREEDOM**

*Segments*

- 2.1 Sharing best practices on religious pluralism and political participation
- 2.2 Improving the institutional framework for the respect of freedom of religion
- 2.3 Freedom of religion and religious pluralism: a central issue in democratic transitional processes

**Conclusions**

*Problems*

1. Consistency between national and international laws.
2. Consistency between Norms and values.
3. Relationship between constitutions and citizenship. State religion means discriminatory practice in principle because not all citizens are equal in front of the law.
4. Religious freedom is usually related to xenophobia, discrimination, hatred.
5. The issue of conversion reflects the relationship between national legislation and international rights.
6. There are problems of dialogue within the Christian and also Muslim communities.
7. Information, freedom of religion goes with freedom of expression and thought.
8. Independent of judges.
9. Postmodern societies demand updating our perception of civil society.

*Tentative solutions*

1. Combat against all forms of hostility, violence and intolerance.
2. Work locally with partners in collaboration and dialogue.
3. Identities. Promote the vision of shared values and intercultural exchange.
4. To foster the ways that can lead to better interreligious understanding.

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5. Avoid generalizations and find solutions to specific problems.
6. Integrate in struggle for political freedom and civil liberties.
7. Education is often related to justice, especially in the case of judges.
8. Education of the public, through public debate.
9. Create awareness of the different religious and cultural identities of our societies, they are pluralistic.
10. The present historical situation in the Arab countries must lead to constitutional reforms on the basis of citizenship.
11. The creation of an International Observatory for religious freedom.
12. Equal treatment of men and women.

*Questions on the floor*

- How can a minority group like Christian minorities in Pakistan influence the majority to change the constitution?
- How can we deal with religious diversity with legislation?
- The question of shared values. Whose values? Internationally recognized values?
- How do we translate general principles in concrete steps? Implementation.

**PANEL 3: GOOD PRACTICES AND POLICIES FOR THE RESPECT AND PROMOTION OF FREEDOM OF RELIGION AND BELIEF: THE SOCIAL AND ECONOMIC DIMENSIONS OF RELIGIOUS DISCRIMINATION**

*Segments*

- 3.1 The social and cultural dimension of religious discrimination
- 3.2 The economic dimension of religious discrimination
- 3.3 Best projects, initiatives and policies in education, youth, media and migration against religious discrimination
- 3.4 Mapping key policies and recommendations for the prevention of religious radicalism and intolerance against religious communities. The case of Christian minorities

## Conclusions

Recognising that discrimination based on religion or belief is a problem existing at global, regional and national levels, and that building partnership based on mutual respect, support, constructive dialogue and building synergies, we recommend *five key areas for improving outcomes*:

1. *Building an all-inclusive public space for dialogue, that will both influence and be influenced by a common understanding. Creating such a space will involve:*
  - A. developing the appropriate legal and policy architecture, and ensuring its effective implementation, and
  - B. identifying stakeholders that will participate in this space, which should include political and religious leaders, social and cultural entrepreneurs, youth and women, and defining the roles of these stakeholders.

This public space must operate at all levels of society, including the grassroots and the political level. It must also take account of the internal diversity within each religious community, with the goal being to construct an intra and inter-religious dialogue with a common language.

2. *Developing mutual trust and mutual recognition, which involves overcoming prejudices through constructive engagement. This engagement should include:*
  - A. the involvement of frequently marginalised groups such as women
  - B. the utilisation of education, sport and cultural activities to broaden participation
  - C. the provision of courses on the various religions, human values, peace and reconciliation.
3. *Encouraging the State and other stakeholders to recognise and respect religious diversity as a resource for integration, social cohesion and development, taking as a basis the primacy of citizenship and human rights.*
4. *At the international level, developing a clearer definition of discrimination based on religion or belief, which takes account of both direct and indirect discrimination (including the unintended outcomes of what are sometimes seen as neutral policies), and the social, economic and political perspectives of discrimination.*
5. *Encouraging and supporting multi-faith initiatives based on shared values and common goals, such as social justice.*

We recommend further research on best practices that promote respect of religious diversity and combat discrimination, and to disseminate this information widely.

**INTERVENTIONS**

***MINISTERS OF FOREIGN AFFAIRS***

***Address by H.E. Mr. Franco Frattini, Minister of Foreign Affairs of Italy***

Minister Trinidad Jiménez, dear colleague, President Borrell, Ladies and gentlemen,

Let me express my deepest appreciation for your invaluable contribution to this seminar. The original format of this meeting, opened to a plurality of institutions and organizations from all over the world, represents the real added value of the initiative. It confirms the first pillar of every discussion about religious freedom: the universal character of this fundamental right.

*Freedom of Religion: Why We Care*

Universality should be understood here in all of its nuances. It means the need to allow every human being to enjoy religious freedom. It also makes reference to the trans-cultural reach of that right: when it comes to religious freedom, it is not a question of Western or Asian values; it is a matter of dignity and of a shared concept of the spiritual nature of human beings. Universality means freedom to practice a religion without any limit: in private or in the public sphere, following a family or social pattern or embracing voluntarily a new faith.

Freedom of religion was recognized long ago as a basic human right. It is protected, as corollary of freedom of conscience, by virtue of Article 18 of the Universal Declaration of Human Rights. It is enshrined in Western Constitutions, in the European Union and United Nations foundations. Does that mean that it can be taken for granted? Unfortunately not. I would rather say it is a right to be rediscovered every day. In many regions of the world it is constantly threatened by those who are interested in fomenting divisions and tensions. Moreover, as it is rightly pointed out in the preparatory document of this meeting, the inclusion of religious minorities implies a whole set of

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issues: citizenship, political participation, economic opportunities, equality between men and women, the laws regulating religious education, etc. Proclaiming freedom of religion often represents only the beginning of a process that needs to be closely monitored and supported. We should thus work at the international level to emphasize that discrimination on religious grounds is a serious violation of human rights. I touch upon this issue every time I visit some problematic country. I have just raised it in Baghdad, finding increasing sensitivity and awareness, which are necessary to shape policy solutions.

Freedom of religion is a sort of pre-condition to the exercise of other human rights. Fighting for it is a truly political issue, not just a moral one. This domain lies in fact in a critical point of intersection between the human rights global agenda, democratization process and foreign policy directed to grant peace, stability and prosperity. We all know that in recent years discrimination based on religion or belief has particularly targeted Christian communities in several countries. I believe that Italy and Spain have a special responsibility in raising awareness on this issue at the international level. Both of our countries have a long-standing Christian tradition and background. Both are historically speaking the result of the contribution of a variety of peoples. I think of the footprints of different ethnic and religious civilizations in Spanish cities like Toledo and Cordoba. And of the richness of the Italian cultural heritage that one can perceive even in the smallest village.

*The Italian Action*

Ladies and gentlemen,

Italy has vigorously worked in the last years, together with many partners, in order for religious freedom to become a real priority for all the instances that may play a positive role in it. I am proud to say that we managed to stimulate the debate in Bruxelles and to obtain some concrete results. The European Council adopted at the end of 2009 ad hoc conclusions on freedom of religion and later an "action plan" developed by a dedicated "Task Force on Freedom of Religion". At the end of 2010 a document containing the "guidelines" and "key messages" of the Union with regard to religious freedom has been spread throughout the network of EU Delegations and Member States Embassies. The conclusions adopted by last February EU Council of Foreign Affairs reiterate our concern for the growing number of acts of intolerance against Christians and other religious communities and their places of worship.

Several initiatives have already been planned for the future: the EU will prepare a periodic survey on the status of religious freedom in the world, define a list of 10-15 countries of serious concern to work with and include the principle of freedom of religion into relevant policies (such as the European Neighborhood Policy Action Plan commitments).

Decisions are now taken. So far, unfortunately, practical and tangible results are very limited. Monitoring respect of religious freedom and acting where religious minorities are threatened – I refer in particular to the Christians – is a political commitment where the credibility of the EU as a global player is at stake.

*The Role of Religion In Today's World*

Ladies and gentlemen,

I wish to go back to the *raison d'être* of initiatives like this. Why such an emphasis on religion? There has been a time when religion was supposed to have vanished for good from the international arena. On the contrary, the key role it has today challenges the assumption of an increasing secularization.

Peoples of the world seem to feel a need to reaffirm their cultural identities, defined sometimes under rigid and exclusive criteria. The return, in many countries of the world, to traditional cultural customs seems to represent a shield against a modernization that is wrongly perceived as being imposed by the West.

At the same time, massive immigration flows increase the level of cultural diversity of our society. And when we see – and respect – the strong attachment of foreign communities living on the EU territory to their traditions, culture and religions, we, the EU citizens are too often shy in reaffirming ours, to the point that only a minority of the current EU member states – and none of the EU founding states – joined Italy on the successful defense before the European Court of Human Rights in Strasbourg, of the possibility to have a crucifix in the schools.

How can we combine the search for a solid community identity with the need to make room for such a growing diversity? It is a challenge for political Authorities but also for scholars and thinkers.

The observation of reality does not allow for excessive optimism. The situation of Christian communities is especially dramatic in some countries. Although present in the region since the beginning of Christianity, they are too often perceived as “foreign communities”, abiding to an “external” loyalty. Christians in the Middle East are wrongly associated directly with the worst of Europe and with the West. The so-called “Arab spring”, with the “opening” of the political systems in a vast area of North Africa and the Middle East, represents both a challenge and an opportunity for Christian minorities. Religion was not at the core of protests but the difficult situations Christians are going through does not seem to improve. A crucial evolution could be the legalization of Islamic parties. Provided they renounce to violence and endorse democratic values, political parties represent a tangible progress on the way to democracy. They can become recognizable players, with a public agenda and identifiable members.

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Ladies and gentlemen,

I wish to conclude my remarks by commending here the United Nations Alliance of Civilizations (AoC) for its leading role – under the impulse of President Sampaio - in promoting dialogue and cooperation and for being a catalyst for concrete projects and initiatives in this field. The human solidarity that we should envisage is not a global uniformity but unity in diversity. We must learn to value pluralities, multiplicities, and cultural differences. Initiatives like the Alliance of Civilization help creating the awareness of a shared identity, a collective identity of mankind that is crucial to craft common responses to the global challenges that we face.

Thank you.

***Address by H.E. Mrs. Trinidad Jiménez García-Herrera, Minister of Foreign Affairs and Cooperation of Spain***

Dear Colleague ,Minister Frattini, Dear Franco, President of the European University Institute, Mr. Borrell, dear Director Scheuer, authorities, ladies and gentlemen.

I am very pleased to be here, participating in this closing ceremony of the International Seminar on Religious Freedom, organised jointly by Italy and Spain. The right to religious freedom and worship by all citizens is universal. The exercise of this right by religious minorities and, in particular by Christian minorities in some countries, is of deep concern for our societies.

Preventing the expression of religious feeling is a very serious attack against human dignity, because it represents a violation to a fundamental right. Defending people's right to express and practice their religious convictions is an ethical and political need. Especially when we are talking about persons who have freely chosen religions that differ from the majority. In countries where religion is essential in almost all aspects of social life, those who try to follow a minor creed have even more difficulties, putting sometimes their own life at risk.

However, beyond individual considerations, the affirmation of religious feeling is also a main cultural and identity factor. In the case of Christian minorities, this identity goes back many centuries, and it is impossible to understand the history of the countries where they live without this cultural and social factor. This is why the attacks against religious freedom that cost the lives of Christians, in Iraq last November, and in Egypt last January, caused such pain and anger.



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The two chambers of the Spanish Parliament, together with the European Parliament and the Council of the Union, expressed these concerns. In Spain, last February, Parliament approved various motions calling on my Government to promote the full exercise and protection of the right to religious freedom everywhere and in particular within the sphere of the Alliance of Civilizations. Therefore, Christians and all religious minorities should have the necessary guarantees to profess and practice their beliefs.

This, indeed, is the underlying message of the Alliance of Civilizations: to create conditions enabling the genuine exercise of freedom. This is a strong position in favour of dialogue among different cultures and religions, and promoting respect toward others. And this dialogue must be created on the basis of ever better and greater mutual understanding.

The respect for minorities is an essential part of any democratic system. Therefore, having in mind the current events regarding to the so called “Arab Spring”, let us speak clearly: there can be no democratic reforms in Arab countries without a legal framework and a system of education allowing the effective respect for religious minorities. Spain and the European Union have worked hard to achieve change around the southern rim of the Mediterranean. We have committed to collaborating whenever and wherever this has been requested. The European Union is currently redefining its neighbourhood policy toward the South in response to the wishes proclaimed for freedom and change. Part of this collaboration is to remind the governments of these countries of their obligation to protect religious minorities. In all our societies, there are fanatics and there is intolerance. As political authorities, our duty is to prevent such criminal actions and to bring perpetrators to court, to be brought to justice, when they violate a basic right such as the practice of one’s freely chosen religion.

I consider it very positive that this Seminar is being held under the support of the Alliance of Civilizations, because this United Nations initiative provides the ideal conditions for addressing the question from a global point of view, enabling dialogue among all parties. I am sure that the interesting conclusions reached at this meeting will form part of the ideas with which we will address the question of religious freedom, with particular regard to the forthcoming annual meeting of the Alliance this December, in Qatar.

Finally, let me thank all of you very sincerely for accepting our invitation and for your interesting contributions to the different panels in this Seminar.

I would like to thank President Sampaio for his work leading the Alliance of Civilizations; as well as Josep Borrell, President of the European University Institute, for his hospitality in this magnificent academic institution. And once more, I thank my dear colleague, Minister Franco Frattini, whose efforts on behalf of the Italian authorities in organising this event have made it possible and successful.

Thank you very much.

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***UN HIGH REPRESENTATIVE***

***Video message text addressed by H.E. Dr. Jorge Sampaio, UN High Representative for the Alliance of Civilizations***

Excellencies, Ladies and Gentlemen, Dear participants,

Let me start by greeting H.E. Ms. Trinidad Jimenez and H.E. Mr. Franco Frattini, Ministers for Foreign Affairs of Spain and Italy, and express my deep appreciation for this timely initiative. I should also like to thank the European University Institute of Florence for its availability to host this Seminar. Unfortunately, much to my regret, due to a last minute health problem, I was not able to travel to join you in Florence. But I am happy that it was nevertheless possible to tape this video message and share with you some thoughts on the important topic that brings you all together.

Excellencies, Ladies and Gentlemen,

Last February I was lucky enough to attend a workshop in Vienna organized by the Commissioner for Human Rights on the “prohibition of incitement to national, racial and religious hatred”. There I focused my reflections on the religious component of this topic and basically I made three points that I would like to recall here. The first one regards the need to address the general issue of religious minorities in a post-9/11 world, as the 2010 Report by Minority Rights Group International, for instance, so rightly pointed out.

Ten years after the 11 September attacks now is a good time for the UN to launch a debate on religious minorities worldwide in order to promote and support a more integrated approach to minority rights by States that have signed up to the international human rights framework. As some of you know the Alliance of Civilizations has been calling upon its members to develop good governance – or democratic governance – of cultural (and religious) diversity through National Plans covering education, youth, media and migration action and policies.

National Plans are, in my view, the right instruments to tackle these challenges. One of my priorities for this year is to work closely with countries in order to make the best of this policy tool. National Plans are the appropriate framework to develop key policy tools for addressing root causes of conflict and work on the long term prevention. Regarding issues such as respect for and protection of religious diversity, it means addressing it on the basis of article 18 of ICCPR through the combined lenses of article 19 on freedom of expression, article 20 on religious hatred,

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article 26 on non-discrimination and article 27 on the rights of minorities. Rights and freedoms are universally valid and mutually reinforcing. Only a balanced combination of all these provisions will provide grounds to make headway regarding respect for equality and diversity of people of various cultures.

My second point is on the need to develop further cooperation in addressing these issues through more inter-religious dialogue and cooperation. Appropriate national laws on freedom of religion are the cornerstone for tolerance and friendship among religious groups within a society, but inter-religious platforms for dialogue – at various levels of leadership from grass roots to top level – are the best and most practical way to address and defuse tensions both in pre and/or post-conflict situations. Furthermore city-wide interfaith consultative forums or cross-cultural consultation exercises are key practical ways to build inclusive societies. As a former mayor, I really do think that mechanisms of consultation at city level are of the utmost importance in promoting integration of minorities and reinforcing the social cohesion of societies. For me it is crystal clear that the promotion and protection of the rights of minorities are in the best interests of society at large and that much more can be done in this regard that ensures sustainable security, development and peace within and among societies.

My third point regards international and regional cooperation. The highly polarized debate over the past decade within the United Nations about whether to craft a new ban on “defamation of religion” in international human rights has not contributed to solving any problems. But in my view this deadlock is now past history. New avenues for cooperation aiming at promoting and implementing positive measures - such as education and awareness building – are now available on the basis of the new Resolution on Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against persons based on religion or belief, adopted last April. The Resolution calls for “strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religious and beliefs”.

Excellencies, Dear participants

The 3<sup>rd</sup> Implementation Plan for the UNAOC (2011-2013) which will be finalized soon identifies the topics of religious diversity, religious pluralism and inter-religious dialogue as three of the priorities for action for this year. Furthermore one of the four main topics of the Doha debates to be held on the occasion of the 4<sup>th</sup> Global forum of the Alliance, next December, will be focused on a new concept of citizenship and pluralism.

In my view, pluralism, namely the need for a new religious pluralism, shapes a promising framework to address the topical issue of religious minorities even if the relation between pluralism and religion has never been unambiguous. Furthermore, the search for a wider concept of citizenship might lead to new strategies for a more

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integrated approach to minority rights that deepens understanding, fosters equality, enhances creative processes and increases participation. Citizenship bestows on individuals membership in a national political community. Belonging to a community, based on diversity, equality and participation, is a common aspiration shared by all people. It is no coincidence that this is the message emerging from the so-called Arab Spring.

At the same time, across the western democracies, minority ethnic groups are demanding greater accommodation of their distinctive identities in spite of highly advanced forms of recognition and protection of group-specific rights regarding for instance language, religion or culture. How to make of cohesive diversity the true cement of inclusive societies all around the world? How may the recognition of difference lead to multiple disadvantage and affect equality, fairness and justice? What is the role played by religious pluralism in today's politics? How to ensure that the experience of inter-group relations is a model of constructive intercultural exchange? These are topical challenges that now face new but also older democracies.

Excellencies, Ladies and gentlemen

I am keen on learning about the conclusions of this Seminar in order to build the way forward upon them. Further to facilitating debates and being a platform for dialogue, the Alliance also aims at promoting action and practical ways to build a culture of peace, tolerance, respect and trust, and to prevent conflicts. In this regard, let me give you a concrete example of how the Alliance can be useful building further upon its Rapid Response Media Mechanism (RRMM). You know that the RRMM is a media early warning mechanism on Intercultural Crises. But if upgraded it could be used as a basis for a crisis management mechanism.

As you know, episodes and incidents involving a cultural dimension have multiplied around the world. The very complexity of the issues raised by these crises and the fact that they reflect tensions at the intersection of culture, religion and politics, mean that it is sometimes difficult within the UN system to identify what course of action should be chosen to address them effectively. From early detection of signs that a crisis is brewing and providing real-time analysis about them (risk assessment), initiatives by honest brokers to defuse tensions (preventive action) to crisis management (following the occurrence of disruptive actions and unrest that need to be addressed by means of soft power tools) and consolidation of peace (through facilitation of dialogue and reconciliation), all these dimensions have to be taken into consideration both as independent fields of action and parts of a whole.

In my view, it is within the UNAOC mission to engage in this field bringing added value to the existing mechanisms by complementing or reinforcing them. As I mentioned before, the RRMM could easily be expanded in order to become an early warning mechanism *to court* available to decision makers in the UN system. Its existing network of global experts could be reinforced and expanded in order to allow them to raise "red flags" about looming crises and to provide detailed analysis



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in real time about emerging crises. In case of serious religious and cultural tensions that have the potential of destabilizing societies and leading to fully fledged conflicts, this in-depth analysis could be used as a basis for recommendations for UN actions if necessary. This is one possible way to be explored.

Another possible way is rooted in a long term perspective. A twinned top-down and bottom-up approach using soft power tools targeting actions in the field of education, youth, media and migration is sorely needed and would be extremely helpful in realizing rights for all on the ground. As the Millennium Development Goals translate a number of rights into concrete targets, I wonder whether one could agree on a Millennium Dialogue or Diversity Goals which would translate the remaining commitment of the Millennium Declaration regarding a culture of peace and tolerance.

We could try to agree on this. At least it will allow us to make a quantum leap in our millennium endeavours. I wish the Doha Forum could lead to this kind of result – the best tribute that we could pay to those civilians worldwide who bore or are bearing a disproportionate share of the profoundly negative impact of 9/11, all other terrorist attacks as well as all the wars on terror that followed. After a lost decade, it is time to mark a turning point.

Many thanks.

**CONTRIBUTIONS FROM PARTICIPANTS** (in alphabetical order)

**Religious freedom – Freedom of conscience – Catholic and Sunni traditions in debate by Dominique Avon**

The focus of this intervention about « religious freedom » and « freedom of conscience » is the way followed by the catholic and the Sunni traditions to answer to a modern challenge: is individual *liberty* an upper principle than common *truth*? Both include the higher number of believers in one God, and through the public authorities both have in the past established collective regulations in accordance to the doctrine of their sacred texts and a *Weltanschauung* in which everyone could not be separate from the faith. Despite game of memories and shared convictions, the historian must say that one stable type has never been found: each time, the system has been collapsed or destroyed from the inner. The unprecedented fact is that for two centuries, an alternative has been proclaimed face to the « Catholic State » or « Islamic State » and we will see the consequences. What about the others? Actually the *byzantine type* (as the other eastern Churches) is no longer active despite some Greek temptations in the 1960' s and the return of the orthodox's visible role in Russia since the beginning of the 1990's. The *Jewish type*, in Israel, is based on a tension between citizenship and nationality which contributes to practice inequality. The *shi'as type* shows two figures: on one side a liberal one in which new religions (babism and bahaïsm for instance) have appeared and grown; on the other side, a religious discrimination revealed even against the Sunnis since the Islamic revolution.

The 18<sup>th</sup> article of the Universal Declaration of the Human Right is well known: « Everyone has the right to: freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance ». 48 states voted in favour of the declaration, 8 choose the abstention (Saudi Arabia, Poland, USSR, Ukraine, Belorussia, Czechoslovakia, South-African Union, Yugoslavia) for different reasons in correlation with refusal of the equality's principle. As a human right, there is often confusion between « religious freedom » and « freedom of conscience ». In fact, the redactors of this article had a deeply sense of what they have done: one of them, Charles Malîk knew that, in arabic language, the notion of *'Itiqâd* whose signification is « [religious] conviction » and which takes place in almost every constitutions of the arabic countries excluded actually the possibility of the refusal of religion, or the possibility of a religion non included in those of the *Ahl al-Kitâb* (« men of the Book »).

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In fact, the concept of « freedom of conscience » appeared in European languages during and after the wars of religion at the end of the 16<sup>th</sup> century. But the definition was not immediately fixed and that is only at the end of the 18<sup>th</sup> century that, in English, French and German, a common sense had circulated among philosophers as Mendelssohn (after he wrote his book *Jerusalem, or on religious power and judaism*, 1783) and Kant. One half a century later, the essayist Jules Simon published *La liberté de conscience* (1857). He had to confront the Catholic Church which fought against this principle with the following theological argument: no right for the error; only the truth can claim such a right. At that time, Butrus alBustânî, one of the most famous Arabic thinker and writer of the 19<sup>th</sup> century, introduced this concept in Arabic: « the inner freedom is freedom of willing, freedom of conscience [*huriyyat al-damîr*], freedom of spirit and freedom of literature » (*Dâ 'irat al-Ma 'ârif*, 1877). He has himself to confront personally to the application form: born in the maronite Church, he became protestant after an experiment of common work with some American missionaries in Beirut. Gradually by time, the principle and his signification was introduced in the debates.

The conversion or the change of religion was absolutely not an innovation of the modern ages: in the past centuries, a whole population could –and often must- follow in a few time the conqueror's or the sovereign's religion. What is unprecedented is the philosophical justification which turns around the recognition of an individual choice in potential confrontation with the society and the religious traditions. Under Christian or Islamic climate, it means that the regime of tolerance in which the security is guaranteed but the equality of rights doesn't exist, could be substituted by another juridical and political regime. There is a famous controversy on that subject between Farah Antun and Muhammad 'Abduh at the beginning of the 20<sup>th</sup> century. On one side, *Al-Ustâth* (« The Professor ») 'Abduh, redactor of *Al-Manâr* and a Sunni reference as great mufti in Egypt, said that the separation between religion and policy -or religion and philosophy- is not anymore more possible as the separation between the body and the soul, so the power must be in the hand of a man who claims the same faith as the population. On the other side, Antûn, redactor in chief of *AlJâmi 'a*, wishes a « separation » (*fasl*) as it is the only way to guarantee that the Muslim Zayd, the Christian Khalîd, the Jew Youssef, the Buddhist Kunu, the pagan Sinû, the heretic Diderot and also « who don't believe in nothing definitely » could live together with the same rights.

The problem is deeper than a juridical or a political one. On top of that, it is an anthropological question. Since the second Vatican Council, the defence and the promotion of « religious freedom » have found a catholic theological basis: « This Vatican Council declares that the human person has a right to religious freedom. This freedom means that all men have to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits. The council further declares that the right to religious freedom has its foundation in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself. This right of the human person to religious freedom has to be recognized in the constitutional law

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whereby society is governed and thus it becomes a civil right ». But the same council professes « its belief that God Himself has made known to mankind the way in which men are to serve Him, and thus be saved in Christ and come to blessedness » (*Dignitatis humanae*, 1965). That means, in the *Catechism of Catholic Church* (1997), that atheism or agnosticism (considered as a kind of practical atheism) is not in accordance to the human nature. And that's why, the catholic magisterial only uses the expression « religious freedom » or « freedom of conscience in the religious field ».

The case is quite different in the Islamic tradition and especially in the Sunni tradition since the disappearance of the mu'tazilit school after the middle of the 9<sup>th</sup> century. One of the most important reference of ash'arite school is Muhammad al-Ghazzâlî who wrote *AlMunqidh min al-Dalâl* (« Rescuer from Error ») at the end of the 11<sup>th</sup> century. In his argument, Ghazzâlî introduced a *hadith* he founded by the compiler Bukhârî which is: « Every man is born in accordance to the *fitra*, but that's the parents [father and mother] who make him Nazarene [Christian], or jew, or mazdeist ». The common interpretation of this tradition is that the « natural human condition » is to be a Muslim and, if not, it is due to a familial deviance in the past. That means also that the change of religion -if it is an abandon of Islam- is as problematic as the rejection of religion. In this way, takes place the decision of the Nineteenth Islamic Conference of Foreign Ministers (Session of Peace, Interdependence and Development), held in Cairo (31 July to 5 August 1990), to claim a Declaration on Human Rights in Islam. So is the item number 10: « Islam is the religion of true unspoiled nature (*fitra*). It is prohibited to exercise any form of pressure on man or to exploit his poverty or ignorance in order to force him to change his religion to another religion or to atheism ».

The judgement of the apostate in islamic jurisdictions –death penalty- results logically from this position. However, there isn't *ijma'* (« consensus ») on this case among the « men of religion ». In Europe, as in the Arabic world or in the part of Asia where live the most part of the muslim population, there are some contradictory voices. In summary, they say: 1- The context of the 21<sup>st</sup> century is not the same as it was in the Arabic peninsula in the 7<sup>th</sup> century; 2- The qur'anic text must be reinterpreted, especially the verse « no compulsion in religion » (II, 256) which applies not only to the non-muslims willing to become muslims but also to the muslims who want to leave their native religion. For instance, Gamal al-Banna –little brother of Hassan al-Banna the founder of the Muslim Brotherhood- who has published more than 100 books and booklets says in an recent interview : « The freedom of conscience is absolute [...] the freedom of conscience is larger than the religious freedom » (Cairo, May 5<sup>th</sup> 2011). Gamal al-Banna places the right of the man on a higher level than the right of the community and, at the same time, he recognizes the right to be atheist and he critics severely the generations of the islamic jurists « who have frozen the thinking in islam » for centuries.

The year 2010 offers two surprises in this context. The first one was that for the first time, the expression « freedom of conscience » (October 2010) was used in an official document of the Catholic Church. The wish is to found this freedom in the

Middle East which is still unavailable until that time. In a positive reaction to this demand, the new cheikh AlAzhar, Ahmad al-Tayyeb, says in an interview given to the journalist of *al-Nahar*, Jihâd alZayn, that the « freedom of conscience », not only the « freedom of [religious] conviction » is not incompatible with Islam. This interview shows, that maybe by time a debate will be opened without a taboo on the Christian and the Muslim traditions in confrontation with the secular philosophical schools. For instance : without the deconstruction of the traditional interpretation of concepts such as *human nature* or *fitra*, no legislation could be founded on the principle of equality –and liberty- between the citizens in a pluralist society. That debate is not so easy because often, when we speak about religions and values, a sacred limit is traced and the first reaction is to say: the main problem is an economic one, or a strategic one.

On an another way, this question is connected to the state's qualification: « secular » [*madânî*], « laïc » [*'almânî*], « religious » [*dînî*] ? In each case, the point is: who is in charge to have the power of final decision? The Catholic Church surrendered the medieval *catholic type* at the end of the 1950's despite some nostalgic currents. The challenge is now open for the Islamic world. In 2011, the Tunisian and Egyptian revolutions cut off a dictatorial regime and pushed the citizen to choose another one. The public confrontations on the constitutional modifications are severe. In Egypt, the proposition of the Muslim Brotherhood is to found a « civil state with religious reference » and during the revolution, the Office claimed that « source of the powers are in the people » (*Al-Nahar*, February 11<sup>th</sup>). Two months later, the distance between two spheres –politic and religious- has disappeared. Muhammad Badîa' the general secretary of the Brotherhood, declares: « Time of policy without religion and religion without policy is ended » (*Al-Ahram*, May 19<sup>th</sup>) . Is that to say that there is no third way between a laic or secular state and a religious state, but only one alternative with different degrees on each side ?

### ***How to Address Religious diversity at global level? By Carlos García de Andoín***

Intercultural and interreligious conflicts in the world occur not only in relations between countries but also within countries.

1.- It is a global task that concerns all of us. However, problem is not the affirmation of the world religious and cultural diversity, but the affirmation of this religious and cultural diversity at national level. Therefore, the challenge is to accept, recognize and manage the cultural and religious diversity not only in the international field but mainly at national interior level.

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The configuration of modern states has been frequently performed on a high degree of identity between religious affiliation and nationality. Talking about my country, for example, it is highly symbolic that the year that Spain achieved its territorial unity in the sixteenth century, unifying State and Catholic Church, the expulsion of the Jews and the fall of the caliphate of Granada took place. It was 1492. The definition of a country historically has required a level of cultural homogeneity, ethnic and religious. This has happened in the foundation of different countries.

Religion provides national identity and cohesion, background and tradition too. It is not a trivial matter. It affects the fundamentals that make up a country. However, there are also very clear and serious cons:

- The identification between belief and national citizenship curtails freedom of conscience and religion of citizens in flagrant violation of the Universal Declaration of Human Rights (art. 18). This identification limits freedom of worship, the right to change religion and the right to propagate one's beliefs.
- The identification between belief and national citizenship is against the principle of non-discrimination on grounds of religion (art. 2). This identification condemns the believer of another religion or non-believer to a second-class citizenship, if not expulsion from the country if considered a foreigner.
- The identification between belief and national citizenship provides for an oppression and repression on different people and communities of other faiths. This generates social conflict and violence, arbitrariness, extremist and fundamentalist drifts. So, in the end, these identifications paradoxically split the social cohesion.

Therefore, religious diversity, which is diversity of identity, requires building a common identity and social cohesion for a country upon new paradigms.

2.- This is not a matter to be approached from the principle of reciprocity: "the way we treat your minorities, ours should be treated." A proposal in the Spanish Congress on the subject, which finally was not so approved, requested "a concerted response from the European Union to ensure protection of Christians in the exercise of the right to religious freedom, according to reciprocity with the Member States in respecting the rights of its citizens." As I said, this is not an issue to be approached from the principle of reciprocity for the following reasons:

- Firstly, because of the respect of fundamental human rights of each person, freedom of religion and conscience among others, cannot be subordinated to the compliance of guarantees by another country. It is an individual right and a right of religious communities that is linked to human dignity and the religious dimension of human beings, not to foreign affairs.

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- Secondly, because being a part of Christian community does not make a group belong "more to us and less to them." Christian Copts were already Egyptians several centuries before the current majority population.
- Thirdly, although the situation in most European countries is less extreme, the social integration of Islamic and other minorities on an equal basis is very far from being resolved.

3.- From those perspectives, the challenge of building a country from religious and cultural diversity is, with different manifestations, a common challenge not only for countries with Islamic majority population, but also in Western societies.

Analyzing the policies and experiences to face the differences and conflicts based on ethnic or religious reasons, I would add the following considerations:

- The "laissez faire, laissez passer" inherent to the so-called multicultural model is not a solution because it creates ghettos, not a country;
- A denial and exclusion of communities given as a response by some forms of liberal constitutionalism are not solutions either;
- The intolerance and repression of authoritarian or identity models are not solutions;
- Neither is integration through assimilation of each identity into a shared identity, which in fact is its dissolution.
- These practices either do not produce cohesion or negate the difference. The identity conflicts cannot be eliminated. They stay and persist.
- Therefore, the question is how to manage the differences in a way positive for the whole. Our answer is National Management of Religious Diversity. Which are the lines or vectors of this policy?
- Legal and factual acceptance of religious diversity, its consistence and its permanence;
- Consideration of right of religious freedom, not only as an individual freedom but also including its public, common and cultural dimension;
- Implementation of the principle of non-discrimination on grounds of religion or belief from the side of public authorities. For instance, through a common bill regarding places of worship in Egypt.
- Promotion of policies of cultural, economic and political inclusion, particularly on the field of education;

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- New concept of citizenship more inclusive of the identity differences;
- Constitutional framework as a framework for living together in diversity;
- Leadership to build horizontal and dialogical pact - the common public space in values, norms, traditions and symbols. The interculturalism;
- Promotion of a culture of respect and dialogue in public life and 0 tolerance to xenophobia, violence and political extremism.

The challenge that globalization has imposed on us is how to build a society, how to make a homeland and how to sustain the cohesion of the country not from the religious, ethnic and cultural homogeneity, but from the religious and cultural diversity.

This common task cannot be based on reciprocity but on cooperation protecting human rights, in this case, freedom of conscience and religion, founded on human dignity. Then it must be a cross-cultural and trans-regional right.

But all this could only be nice words, if we do not act. The Alliance of Civilizations initiative, its Group of Friends and the international organizations should include among their major topics for cooperation the violation of freedom of conscience and religion and the promotion of National Management of Religious Diversity, attending to effective results and sharing good practices. The promotion of interreligious dialogue as a common and public task is essential.

By the other hand the religious leaders must defend not only religious freedom for each one but compromise with religious freedom of the all citizens and religious communities. They need provide shared spaces for dialogue and cooperation between different religions. They It does not benefit the role of religions their association with extremism and violence in the world public opinion. Far from being regarded as good for the world are perceived as bad for the world.

#### 4.- Freedom of religion, a way for building a better country in a better world.

The affirmation and defense of religious freedom of persons belonging to minorities is a key determinant of origin of democracy in France, England and the USA. The Huguenots in France and the Presbyterians in Scotland claimed their rights to religious freedom against the absolute monarchy. The idea of spiritual freedom precedes the idea of civic freedom and political freedom and establishes it.

Religious freedom is the first of the freedoms established by liberal constitutionalism. In 1620 on the May Flower traveled the Pilgrim Fathers, religious dissidents fleeing religious persecution of the British monarchy and the Church of England. There, the Founding Fathers of the American nation plotted to live where they could practice their

faith freely. So, in 1787 religious freedom would be the first amendment incorporation of the Charter of Fundamental Rights of the United States Constitution - the Bill of Rights.

I think that assuring the full exercise of religious freedom in those Arab countries that are experiencing process of reforms would be a clear indicator evolution towards democracy.

Let me conclude with a quote from the 1999 Resolution of the Council of Europe Parliamentary Assembly on Religion and Democracy (no. 1.396): "Democracy has proved to be the best framework for freedom of conscience, the exercise of faith and religious pluralism. For its part, religion, through its moral and ethical commitment, the values it upholds, its critical approach and its cultural expression, can be a valid partner of a democratic society"

***Intolerance and Discrimination against Christians. Five Major Threats in the 21<sup>st</sup> Century by Massimo Introvigne***

On 5 January 2011, I have taken on the role of Personal Representative of OSCE (Organisation for Security and Co-operation in Europe) on combating racism, xenophobia and discrimination and intolerance against Christians and members of other religions. On 10 January 2011, Pope Benedict XVI delivered his annual address to the Diplomatic Corps, entirely devoted to religious liberty. Although OSCE is obviously a secular entity, I am very grateful to the Pope for having pointed out an agenda which is not aimed only at Catholics and not even just Christians but – on the basis of the universal rights of the human person – is addressed to all people of goodwill.

In his address the Pope highlighted five risks to religious freedom. I would like to elaborate on each of them based on my own OSCE experience and in the light of the international conventions on religious liberty. The first concerns a possible confusion about what precisely is religious freedom. Often, religious freedom has been confused with relativism, that is, with the idea that a religious truth does not exist and the choice of one religion or another is more or less indifferent. A different point of view, one that Benedict XVI himself proposed in his encyclical *Caritas in veritate*, is that "religious freedom does not mean religious indifferentism, nor does it imply that all religions are equal" (n. 55).

But what is religious freedom? Here it is appropriate to re-read yet another document of Benedict XVI, his *Message for the 2011 World Day of Peace*, which offers some very

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important ideas. Interpreting the Second Vatican Council Declaration *Dignitatis humanae*, Benedict XVI himself has explained on a number of occasions that from the legal point of view it is not about a *positive* right – which should also include a “right to error” which would be philosophically ambiguous and that the Catholic Church has never recognized (see *Catechism of the Catholic Church*, no. 2109) – but about what we can call a *negative* right, an immunity from coercion. This immunity certainly acquires a specific profile in modern States, by definition neutral and unqualified in matters of religion, but corresponds to the ancient principle according to which the profession of a religion cannot be imposed by force. If one can speak of a “right”, in the legal sense, it is the right not to be disturbed by the modern State’s intrusion in the formation of one’s own convictions in religious matters.

With respect to previous interventions, however, there is in the *Message for the 2011 World Day of Peace* a second element, certainly not new but whose inseparable link to the first element is strongly confirmed. Religious freedom “should be understood, then, not merely as immunity from coercion, but even more fundamentally as an ability to order one’s own choices in accordance with truth”. From a philosophical point of view, an analysis of what is the human person comes “before” legal solutions. The person is ordained to truth and blessed with freedom for truth. Of course, free will allows for the use of freedom against truth. But in this case freedom erodes its very own foundation. A freedom which is used in order to deny the existence of truth, the *Message* says, “becomes self-negating and does not guarantee full respect for others. A will which believes itself radically incapable of seeking truth and goodness has no objective reasons or motives for acting save those imposed by its fleeting and contingent interests; it does not have an ‘identity’ to safeguard and build up through truly free and conscious decisions. As a result, it cannot demand respect from other ‘wills’, which are themselves detached from their own deepest being and thus capable of imposing other ‘reasons’ or, for that matter, no ‘reason’ at all. The illusion that moral relativism provides the key for peaceful coexistence is actually the origin of divisions and the denial of the dignity of human beings”.

Another misunderstanding is one which would like to confine religion to a merely private dimension. When religious institutions call for laws in conformity with a natural or rational idea of morality some argue that they are denying the religious freedom of non-believers through an unjust interference in political life. The Churches would argue, however, that principles of natural morality are important for everyone, believer and non-believer alike.

“The public dimension of religion must always be acknowledged”, the Pope said in the 2011 *Message*, and “the laws and institutions of a society cannot be shaped in such a way as to ignore the religious dimension of its citizens or to prescind completely from it”. “Since [the religious dimension of the person] is not a creation of the state, it cannot be manipulated by the state, but must rather be acknowledged and respected by it”.

This re-construction of the real notion of religious freedom therefore excludes above all “the path of relativism, or religious syncretism” – which are different, the Pope explains,



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from the dialogue between religions in clarity and truth – and proclaims that the two opposed errors of fundamentalism and secularism, also often mentioned in Benedict XVI's Message, can be avoided. "It should be clear", the Pope writes now, "that religious fundamentalism and secularism are alike". Both in fact deny the correct relationship between faith and reason. In fundamentalism, faith denies reason. In secularism, reason, or rather rationalism, denies faith. Both are enemies of religious freedom: fundamentalism wants to impose religion by force, secularism by force wants to impose irreligion. But only the balance between faith and reason – without confusion, but also without separation – guarantees religious freedom which is at the origin of moral freedom and therefore every true freedom.

Is this therefore just a theoretical question? Certainly not. In fact, the fear that religious freedom bears with it relativism and an underestimation of the role of religions typical of the modern West is the primary reason why countries with a strong Islamic, Hindu or Buddhist religious identity resist the application of international conventions in the area of religious freedom. They are afraid that accepting religious freedom necessarily means ceding to the relativism and indifferentism characteristic of a certain modern Western culture. They must be convinced that this is not the case, and that religious freedom and the denunciation of the problems implied by relativism can and must exist side-by-side.

The second risk identified in the Pope's address on 10 January 2011, to which I now return as an "index" of the current issues in terms of religious freedom, is that of the attempt by Islamic ultra-fundamentalism, which should not, of course, be confused with Islam in general, to bring an end to the bi-millennial existence of Christian communities in the Near East, resorting even to terrorism. In some countries the attempt at ethnic cleansing which definitively eliminates Christians is by now all too clear. It is true that governments distance themselves from the ultra-fundamentalists. But the time of words not followed up by actions has gone. There is a need to adopt effective measures for the protection of religious minorities.

Nor is it a problem just of police, whose action in countries such as Egypt is however very important and must make a qualitative leap, despite the recent difficulties, if non-cosmetic results are to be achieved. It is also a matter of laws, which in many countries where there is an Islamic majority reduce religious freedom simply to religious worship. Christians – not everywhere – can freely celebrate their rites in the private areas of their churches, but they cannot go out of the church or the sacristy to proclaim the Gospel. Then if someone converts from Islam to Christianity, he or she is punished by laws against apostasy and – where these laws have been revoked following Western pressure – by norms against blasphemy, which are often just disguised laws against conversion. The Pope stated that "the right to religious freedom is not fully respected when only freedom of worship is guaranteed, and that with restrictions". More explicitly, he also states: "Among the norms prejudicing the right of persons to religious freedom, particular mention must be made of the law against blasphemy in Pakistan: I once more encourage the leaders of that country to take the necessary steps to abrogate

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that law, all the more so because it is clear that it serves as a pretext for acts of injustice and violence against religious minorities”.

The third risk – often little known or under-estimated – is constituted by aggressions against Christians by Hindu or Buddhist “fundamentalists”, who identify the national identity of their countries with religious identity, sometimes defended violently against Christianity. These are what the Pope calls “troubling situations, at times accompanied by acts of violence [...] in south and south-east Asia, in countries which for that matter have a tradition of peaceful social relations. The particular influence of a given religion in a nation ought never to mean that citizens of another religion can be subject to discrimination in social life or, even worse, that violence against them can be tolerated”.

The fourth risk is constituted by the fact that, even if many people would like to forget it, there are still Communist regimes in the strictest and toughest sense of the word. “In a number of countries”, the Pope states clearly alluding to these regimes, “a constitutionally recognized right to religious freedom exists, yet the life of religious communities is in fact made difficult and at times even dangerous (cf. *Dignitatis Humanae* 15) because the legal or social order is inspired by philosophical and political systems which call for strict control, if not a monopoly, of the state over society”. The Pope’s thoughts, there, “turn once again to the Catholic community of mainland China and its pastors, who are experiencing a time of difficulty and trial”. Nor is this the only case, if we just think for example of the largely forgotten drama of the Christians in North Korea, a country which every year wins the “Gold Medal” from the Protestant organization specialized in religious liberty Open Doors as the most dangerous place in the world to be a Christian.

The fifth risk is represented by what the Pope in his address to the Roman Curia on 20 December 2010, adapting an expression coined by the well-known American Jewish jurist of South African origin, Joseph Weiler, had called the West’s “Christianophobia” (Weiler prefers “Christophobia”). “Turning our gaze from East to West”, the Pope said, “we find ourselves faced with other kinds of threats to the full exercise of religious freedom. I think in the first place of countries which accord great importance to pluralism and tolerance, but where religion is increasingly being marginalized. There is a tendency to consider religion, all religion, as something insignificant, alien or even destabilizing to modern society, and to attempt by different means to prevent it from having any influence on the life of society”.

“Christians are even required at times to act in the exercise of their profession with no reference to their religious and moral convictions, and even in opposition to them, as for example where laws are enforced limiting the right to conscientious objection on the part of health care or legal professionals”.

“Another sign of the marginalization of religion, and of Christianity in particular”, the Pope added, “is the banning of religious feasts and symbols from civic life under the guise of respect for the members of other religions or those who are not believers. By

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acting in this way, not only is the right of believers to the public expression of their faith restricted, but an attack is made on the cultural roots which nourish the profound identity and social cohesion of many nations". Here, too, the Pope did not limit himself to general principles, but made a particular reference to the *Lautsi* ruling by the European Court of Human Rights which aimed at banning the placing of the crucifix in Italian schools, praising those who fought to remove the menacing and unjust effects of that ruling. "Last year", Benedict XVI said, "a number of European countries supported the appeal lodged by the Italian government in the well-known case involving the display of the crucifix in public places. I am grateful to the authorities of those nations, as well as to all those who became involved in the issue". The *Lautsi* decision was reversed by the Grand Chamber of the European Court of Human Rights on March 18, 2011, thus confirming that crucifixes do not threaten the religious liberty of non-believers and may continue to be present in Italian public schools.

"Christianophobia" is also seen in the threats to freedom of education and in administrative antipathy towards Christian schools. Nor, the Pope said, can "I remain silent about another attack on the religious freedom of families in certain European countries which mandate obligatory participation in courses of sexual or civic education which allegedly convey a neutral conception of the person and of life, yet in fact reflect an anthropology opposed to faith and to right reason". The main reference, here, is to certain problems about civic education in Spain, the subject matter of several cases pending before the European Court of Human Rights.

The fact that OSCE has established the office of a Representative for combating discrimination against Christians represents an achievement for the cause of fighting Christianophobia. Naturally there are no lack of difficulties and opposition, and in times of economic crisis the resources of the international organisations are severely limited.

As regards concrete action for freedom for Christians, the work of my office at OSCE is carried out through diplomatic activity with participating States and *country visits*, sometimes carried out along with the other two Representatives, respectively for combating anti-semitism and Islamophobia. However, this work is limited institutionally to the OSCE participating States.

On the level of raising awareness about discrimination against Christians we can do more. We are organising an OSCE roundtable in Rome on September 12 on the theme of hate crimes against Christians. I have also suggested to the States that wish to participate the celebration of a Day of Christian Martyrs of our time, to be celebrated not – or not only – in churches, where there are already similar initiatives in place, but in schools, cities, and public institutions because the persecution of Christians does not affect just Christians, but everyone. I suggested the date of 7 May recalling the great ecumenical event which the Blessed John Paul II celebrated at the Colosseum in Rome on 7 May 2000, with eight "stations" recalling the main groups of Christian martyrs of our time: the victims of Soviet totalitarianism, of Communism in other countries, of Nazism, of the conflicts between religions, of the violent religious nationalisms in Asia, of tribal and anti-missionary hatred, of aggressive secularism and

of organised crime. This day could be an annual opportunity for a collective examination of conscience and for an exacting approach from Europe to the problem of the protection of Christian minorities in various countries. It is always worth re-reading the appeal made by the Blessed John Paul II on 7 May 2000 at the Colosseum at the start of the 21st century which was then just beginning: "In the century and the millennium just begun may the memory of these brothers and sisters of ours remain always vivid. Indeed, may it grow still stronger! Let it be passed on from generation to generation". The establishment of a Day of Christian Martyrs of our time would be a wonderful response to this appeal which today seems to me to be more urgent than ever.

***Freedom of conscience and of worship in Algeria. Between international commitments and legal reality by Kheloudja Khalfoun***

Translated by Sophie Besancenot

The situation of freedoms in Algeria is of prime concern. The lack of a real legal protection handed them to the arbitrariness of the administration.

If the first guarantee for liberty lies in its enshrinement in legal texts, it is also supported by the role of the judge. Necessarily independent with powers, he is the guarantor for the citizen seeking redress for a violation of its freedom. Finally, the mobilization of citizens, through structured groups (associations, foundations...) is an instrument for monitoring, control and advocacy. The absence or limitation of these mechanisms interferes with the existence, exercise and protection of freedoms.

A country marked by instability and endless periods of transition, Algeria is struggling to find the way out of the crisis. This way out would lead the country to the rule of law. From the independence to the explosion of October 1988, the one-party rule had established a policy of obstruction and standardization that continues despite apparent legislative openings, occurring as a result of the February 1989 Constitution. The state of emergency, established by a decree of the High Court 09/02/1992 for a year, was extended for an indefinite period. Despite a strong popular mobilization for its lifting emergence, it is only in 2011 under pressure from Arab revolutions that it has occurred<sup>1</sup>. The maintaining a state of emergency for almost twenty years has served as a justification for serious violations of fundamental rights of citizens.

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<sup>1</sup> According to the presidential bill of the liberating wave starting from Tunis going to Cairo spurred panick in Algeria. The lifting of the state of emergency was aimed at appeasing the opinion, at a time where the society started to go on protest

*Aggression against "consciences"*

Recently, recurrent infringements of freedom of conscience hold the news. At the heart of this situation:

- The emergence of a new national community that calls itself Christian takes its difference and claims the protection of the law;
- Recurrent trials for non-fasting that mark the beginning of every Ramadhan;
- The non-recognition of the Ibadite rite, which is a source of friction in the community of the M'zab Valley<sup>2</sup>.

Initiated by the closure of Christian places of worship, the violation of freedom of conscience have crossed the Rubicon in spring 2008 with trials for "infringement against the cult". If the harassment can be explained by cultural factors, historical and political, fierceness against citizens who do not observe Ramadan, or denial of the Ibadite Rite in the M'zab Valley are symptomatic of this desire to unify society and to silence all citizens that do not fit the official mold.

Regardless of the laws of the Republic, the arrests of "non-fasters" are not dictated by the imperatives of public order and are often the result of police investigations going as far as intrusion in homes or invasion and the invasion of privacy of citizens. Supposedly restoring the rule of law and providing minimum guarantees, the presentation of "suspects" to the Prosecutor of the Republic is sometimes accompanied by terrible moral suasion. The remarks of some judges reveal the confusion of roles and the usurpation of powers. Sometimes acting as moralistic Imams, sometimes acting as guardians of the temple, the excesses of some judges go beyond comprehension. For example, the prosecutor of Tiaret<sup>3</sup> court had proposed to Habiba Kouider, a Christian arrested in spring 2008 in possession of Bibles, a strange choice, "the mosque or the prison"! or the sentence of the Ain El Hammam<sup>4</sup> "advised" Hocine Hocini Fellak and Salem, of Christian faith, to "change countries because Algeria is an Islamic land"

*A peaceful Islam in a pluralistic national identity*

Far from being anecdotal evidence, issues raised by citizen harassment and trials of another age, are essential for both the present and the future of Algeria. Beyond the freedom to manage its own conscience without facing the obstacle of a dogma, these issues condition the construction of a collective consciousness and a national identity.

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<sup>2</sup> Situated in the Algerian South, approximately 400 kms from Algiers, Berian saw violent protests opposing the Ibadite (berberophone) community to the Sunni community (arabophone). These violent clashes, which always end up with human losses, are often the result of the discrimination that the Ibadite community suffers (compared to the Sunni community).

<sup>3</sup> City of the Algerian West (450 km from Algiers), birth town of the Ministry of Waqf and religious affairs, BOUALEM Allah Gouleme Allah.

<sup>4</sup> Small town located in Tizi-Ouzou in Kabylia, approximately 150 km East from Algiers.

This construction, long cloistered in the catacombs of history, was crushed by a founding myth, "the Arab-Muslim nation," which has overshadowed, often through violence, other components of the plural, multilingual, multicultural and multi-faith identity of Algeria.

Born in the West, freedom of conscience was built in stages, before reaching universality. A concept difficult to grasp because of its semantic depth, history and geography, it originates from another freedom: the freedom of thought. This gives the individual the intellectual tool to practice with discrimination and free will choices of conscience, religion and belief. In religious matters, a conscious choice involves two components: freedom of religion, that is to say the choice to practice a particular religion, and freedom from religion, which includes the right not to believe and not to practice religion.

Freedom of conscience is regarded by the founding texts as an absolute, exercised in a collective framework, and which should be repressed only for the collective interest. This raises an important question: can the freedom to depart from the Sunni rite majority by being Christian Ibadite or by being atheist, with the implied religious practices - or absence of practice - harm the collective interest of the Algerian nation?

Strong evidence can guide our reflection. The disapproval of civil society brought about by the process of Habiba Kouider, prosecuted for "practicing a non-Muslim cult without authorization," and those of other Christians who were tried by various Algerian courts in 2008, speaks for itself. The hostility to religious repression is, in some cases, grounded in the actual wording of Islam of tolerance, or simply in the common sense. Until recently, this tolerance was expressed unequivocally in the rallies that accompanied the trial of the "non-fasters" in Kabylia, or in the testimony of the citizens of Umm-El-Bouaghi after the conviction of Fares Bouchouata to two years in prison<sup>5</sup>. The voice of religious leaders like Soheib Bencheikh, unabashed advocate of Islam, eventually rehabilitated the peaceful concept of religion which characterizes Algerian society.

*Religion: a political tool*

"The law is the mirror of society", is what is taught in law schools. In principle, legislation should reflect the state of a given society. In fact, not only the current "mirror" does not reflect the openness and respect for others of a majority of citizens, but also denies international commitments of Algeria.

According to the principle of hierarchy of norms by Hans Kelsen<sup>6</sup>, all legislation must conform to the constitution, which is the top of the legal pyramid. The latter must, in turn, incorporate the provisions of treaties and conventions ratified by the country to

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<sup>5</sup> Survey of the francophone Algerian magazine, ELWATAN-Week-end du 29/10/2010

<sup>6</sup> Hungarian lawyer belonging to the positivist tradition. He is the "father" of the theory of norm hierarchy that has become a universal legal rule.

form a coherent whole. Result of this compliance, the provisions contrary to the constitution, and through it the international commitments of Algeria, should become irrelevant. However, currently in Algeria, this lapse is not automatic and is subject to the conclusions of the Constitutional Council, which, when seized to control requests, invalidates or censors so-called non-conform texts.

In Article 2, the Algerian constitution proclaims: "Islam is the state religion." This provision, introduced in the first Constitution in 1963, has not occupied the same position in later versions of the text. A reading of the various constitutions reveals the inconsistency of the political power on the issue. The instrumentalization of Islam for political ends is not the exclusive preserve of fundamentalist currents which, during a decade marked by violence and blood in Algeria. In 1989, the constitution goes further by opening its preamble as "errahman errahim bismillah (In the name of God, the Compassionate, the Merciful)," a formula re-iterated in subsequent texts.

*"Islam the state religion" and "freedom of conscience"*

Even though the question of freedom of conscience is addressed in the constitution of November 28<sup>th</sup>, 1996, it is relegated to section 36, proclaiming "The inviolability of the freedom of conscience and freedom of opinion." This subordinate position of a fundamental freedom compared to the "state religion" has brought about legislation that seriously undermine freedom of conscience. This is the case of two laws:

Article 144 bis 2 of the Penal Code<sup>7</sup> which states "shall be punished by imprisonment of three to five years and a fine of 50 000 to 100,000 dinars or one of these penalties, any person who offends the Prophet and the messengers of god or denigrates the dogma and precepts of Islam, whether by way of writing, drawing, statement or other means"<sup>8</sup>.

Ordinance No. 06-03 of 26 February 2006 establishing the "conditions for the exercise of faiths other than Islam". It is on the basis of these two texts, contrary to international commitments of Algeria, that what have cases against Christians and "non-fasters" emerged.

The Universal Declaration of Human Rights of 10 December 1948 stipulates in its Article 18, however, that "everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change religion or belief, and that freedom to manifest religion or belief either alone or in community with others and in public or private, teaching, practice, worship and observance. "This statement has no

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<sup>7</sup> Article inserted in the penal code through the law of [], at the same time as the insertion of the article 144 bis which advocates for imprisonment punishments for libel action by means of press.

<sup>8</sup> In reality, the article 144 bis 2 does not mention explicitly the non-practice of Ramadhan but the « offense » to the prophet and the « neglect of the dogma and the principles of Islam » This is the fact that the text is extremely general which allows that the non-practice of Ramadhan can be interpreted as an offense or a neglect of the dogma (fasting is considered one of the five pillars of Islam).

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restrictions. The International Covenant on Civil and Political Rights, passed by the UN General Assembly in 1966 and ratified by Algeria<sup>9</sup>, proclaimed: "No person subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice, "and set the limits of any restriction," Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary to protect the security, order and public health, or morals or the fundamental rights and freedoms of others. "It is also the case of Article 8 of the African Charter on Human Rights and Peoples' Freedom of conscienc<sup>10</sup>e, the profession and free practice of religion is guaranteed, subject to public order , no person shall be subject to constraints, aiming at restricting the exercise of these freedoms ".

Finally, Article 27 of the Vienna Convention on the Law of Treaties<sup>11</sup> provides that "a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty" is also the position adopted by the Permanent Court of International Justice (PCIJ) in several of its advisory opinions. Under these provisions, Algeria is required to adapt its legislation with its international commitments. This compliance involves the abrogation or development of certain constitutional provisions. Respect for freedom of conscience, proclaimed by the normative commitments of Algeria, involves the revision of Article 2 of the Constitution, by merging with Article 36. Attaching "respect and protect freedom of conscience" to "Islam the state religion," would unequivocally state the intention of the legal power to give a true constitutional guarantee for the freedom of conscience.

While waiting for a calm debate on the meaning of Article 2, which made Islam a "state religion", this merger would have the merit of giving back to a fundamental freedom its rightful place. The strict respect for this freedom, a synonym for choice without coercion, and that of Islam, a religion that millions of Algerians are attached to, would campaign for the removal of "Islam the state religion" in the constitution. Because if Islam needs no law nor zealous prosecutors to defend it in a land where it took roots centuries ago, the Algerians who do not identify with the religious majority (whether Muslim Ibadi, Christians, agnostics or atheists), need, on the contrary, the protection of the law, a constitutional right for every citizen. This protection requires the repeal of Article 144 bis 2 of the Penal Code, and the order of 06-03 February 28, 2006 on "religious worship other than Muslim." If it is necessary to regulate places of worship - of all faiths - to allow their control by the administration, the provisions of this ordinance are discriminatory and repressive towards the Christian community. A law is by definition general and impersonal, and it is for the whole of society from whom it is supposed to originate. By stigmatizing a national community as a minority the law can only be problematic.

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<sup>9</sup> Ratified without restriction, through the presidential decree n° 89-69 du 16/05/1989. Entry into force for Algeria on 12/12/1989.

<sup>10</sup> Ratified without restriction on March 1st, 1987, and this less than one year before its coming into force 21/10 /1986

<sup>11</sup> Ratified on the 08/11/88, without restrictions.

*For a republican founding pact*

Facing these laws and their implications on the ground, judges are at the front line. Product of its society, the judge is normally crossed by streams that traverse it. Yet the judge is insensitive to the general stigma associated with religious repression<sup>12</sup>. The training of judges, their status<sup>13</sup>, the submission of justice to political power are all factors that explain this discrepancy.

Under current legislation, and unlike other countries, the law does not give the judge the authority to undertake an examination of constitutionality<sup>14</sup>. The judge does not apply the constitution but the laws which are supposed to conform to it. Until these laws are not declared unconstitutional, they are binding on all, unless they are removed through legal channels.

Without a public debate reflecting the popular will and the source of just laws, leaders and institutions will remain deprived of the legitimacy that is the strength of democratic states. Without the political will to reform global institutions and consensus around a founding republican pact, the amendment of a constitution, an act many times trivialized by those in power, is a short term fix that will not save the country. Thinking the Republic in its cultural, linguistic and religious diversity will enable every citizen to occupy a full space without taking over that of others. This is an inevitable path to the building of a harmonious society and the restoration of a sustainable civil peace.

***Freedom of Religion and Religious Pluralism by Omür Orhun***

*Backdrop*

The debate over freedom of religion and religious pluralism, as well as religious intolerance, and their relationship with freedom of expression, recently received greater attention in both the media and political discourse.

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<sup>12</sup> Whereas it appears that in private discussions with judges, citizens have the right to choose themselves and nobody has the right to force them. This shows the gap that exists between Algerian justice and Algerian society!

<sup>13</sup> We can cite for example the non-respect of the principle of non-removal of judges. This non-respect is an arm which dissuade the judge to judge according law and his conscience. The removal of judges through job change is always the sanction used to threaten judges.

<sup>14</sup> The preliminary question of « constitutionality », applied in several countries, allows the citizen to raise the question of the non-constitutional character of a law. This question is sent by the judge to the Constitutional Council for scrutiny.

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Unfortunately, notwithstanding high exposure and wide recognition of the core issues, divergences in approaches to restrictions on freedom of religion and religious intolerance prevented the enactment of effective and concrete remedial measures. These matters have always been of vital concern to the international community, but this “community” has not been consistent in advocating concrete and consensual action.

All seem to agree that freedom of religion, religious pluralism and interfaith harmony, and combating intolerance and incitement to hatred are essential for peaceful coexistence. In consonance with the stated policy of governments that seek political solutions to contemporary issues, a concrete approach for action, at the national and the international levels, aimed at addressing these issues of utmost significance on a consensual basis is therefore a must.

If I may borrow the words of the US Secretary of State towards building such a consensus, I also might assert that *“it is time to overcome the false divide that pits religious sensitivities against freedom of expression and pursue a new approach based on concrete steps to fight intolerance wherever it occurs”*.

In this context, I would like to recall the resolution on “Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination Incitement to Violence, and Violence Against Persons Based on Religion and Belief” which was adopted by consensus at the 16<sup>th</sup> Session of the Human Rights Council (HRC) in Geneva. The consensual adoption of this resolution vindicates international community’s demonstrated ability to address sensitive matters through meaningful and result-oriented discourse.

But I should also add that what is written in this text should not remain on paper, but must be put into practice. Such a course of action will strengthen credentials of all of us, who stand resolved to accord primacy to multilateralism in seeking solutions to contemporary issues of vital concern: issues characterized by divergent views.

In other words, we are not at the end of the road, but rather at a beginning based on a new approach to deal with the whole set of interrelated issues.

Taking full advantage of the renewed dynamism, we need to discuss concrete steps in implementing the newly adopted resolution. I would like to suggest a two-fold approach: First we need to analyze existing international mandates, their relevance and effectiveness. An essential question here is the possibility of creating synergies among mechanisms and initiatives in the area of promoting tolerance and combating advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence. Secondly, it is vital to identify the remaining gaps both from an informational and normative point of view.

For instance, what can be done to enhance monitoring and classification of incidents of religious intolerance? Also, while upholding the fundamental right to freedom of

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expression, where to draw the contours of the exceptions constituting incitement to hatred and unduly tarnishing the reputation of others or disturbing public order and security? How to better utilize the international legal instruments and the relevant mechanisms in providing updated and interpretative commentary with a view to effectively combating recurrence of events like the Swiss minaret ban, that are not only riddled with violations of human rights, but pose a potent threat to international as well as regional peace, security and stability? How can national legislations be enhanced in a manner that better reflects the spirit of international law and guarantees the enforcement of the commitments of governments in this regard?

All of these are vital questions that must be answered and promptly acted upon if we are to address the social, economic and political realities and complexities of our fast changing world.

Enhancing channels for dialogue to combat religious discrimination and foster tolerant and equal societies is an evident prerequisite for multilateral diplomacy. The terrorist attacks of September 11 erected barriers by generating an atmosphere of fear and mistrust, favoring new currents of radicalism and precipitating the self fulfilling prophecy of “clash of civilizations”. However, the significance of the recently adopted HRC resolution is that it created a consensual international platform to address such delicate issues.

Far from merely reaching “agreed language”, this resolution is quite substantive and provides for a multi-pronged approach, calling for various administrative, political and legislative actions to be taken at both national and international levels. This important resolution must be seen and utilized as an instrument to transform agreement into action. In this regard, all concerned must be conscious of their responsibility to use all channels of constructive engagement with all stakeholders in proposing implementation measures aimed at building on progress already made in a rather fragmented manner.

I think it will be indeed important to conduct a comparative analysis of existing processes and mechanisms in this field. Such an approach would benefit all parties by synthesizing views, assessing progress, analyzing best practices and considering possible synergies. In doing so, due consideration should be given to new realities of increasingly multi-cultural societies, fast flow of information and human migration, as well as to the cardinal principles of interdependence and indivisibility of all human rights. Accordingly, the issues of religious freedom, religious pluralism and the necessity of non-discrimination need to be duly addressed with the same attention and vigor with which we defend freedom of expression and national security concerns. It needs to be appreciated that they are deeply interrelated and that failure to strike a reasonable balance between each of these rights and concerns can lead to adverse consequences.

### *The Information Gap*

Combating discrimination and advocacy to hatred must be recognized as a work in progress and a continuous process. In a globalized world, human nature as well as developments related to conflicts, migration, multi-culturalism, minority concerns, and new technologies are all factors that continue to exacerbate the challenges posed by the need for ensuring social cohesion and promoting tolerance.

Discrimination is one of the most difficult human rights violations to prove. It is, therefore, important to ensure constant flow of information and analysis of relevant incidents and trends aimed at monitoring and better defining discriminatory practices and raising awareness with regard to its various forms and manifestations - whether social or institutional - as well as to its broader adverse impact in societal, regional and global terms. Indeed, while international law is evolutionary by nature, it is possible to widen its scope of application and adapt it to phenomenon we do not fully grasp in the absence of analysis based on facts or empirical evidence.

These observations lead me to revive the call for establishing an international observatory, first presented a few years back by the UN Special Rapporteur on Racism, Mr. Doudou Diene. The UN High Commissioner for Human Rights reiterated the same idea in her report to the Durban Declaration and Program of Action (DDPA) in Geneva in 2009. President Jorge Sampaio, UN High Representative for the Alliance of Civilization, also touched upon this idea in his speech at the Vienna Workshop on the Prohibition of Incitement to Hatred, by specifically calling for an upgrading of the early warning system of the Alliance of Civilizations at the international level. Having benefitted from the mechanism of Islamophobia Observatory at the General Secretariat, the OIC has been supportive of this practical approach “in the interest of developing an effective international monitoring mechanism as a first step in addressing this important matter”. I believe these statements demonstrate that there are potential synergies that need to be explored and acted upon.

### *The Normative Gaps*

With respect to normative gaps, we need to take note that the progress in the UN context is stalled. The main divergence of opinion is that some countries are not convinced of the existence of a normative gap, while others submit that new manifestations of racial discrimination, xenophobia and related intolerance deserve additional legally binding international standards.

The link with religious intolerance lies in the emerging concept of “multiple forms of discrimination”. While seeking to better interpret and implement already existing international legally binding instruments, advancing on a soft law basis may be viewed as a prospective way forward out of the deadlock.

Building on the consensus must reinforce consensus building. It would be important to transcend debates over terminology, and recognize that human dignity and the right to

non-discrimination is firmly anchored in the international human rights system. We must strive collectively to bring about a new era of understanding, hope and effective concerted action.

*How to Address the Challenges Posed by Increasing Religious Diversity*

*Shared Values: The Need for an Alliance of Communities*

In this part of my contribution, the first thing I want to do is to try to define what I understand from “shared values”. For me, shared values are the fundamental beliefs, concepts and principles that underlie a culture. These concepts and principles guide the decisions and behaviour of that culture.

Now, coming to the issue before us, let me first of all pose a rhetorical question. I am speaking about formulating a set of shared values. But whose values are we to share? Are there universally accepted shared values?

We all remember the debate leading to the EU’s Lisbon Treaty, when some wanted to insert Christian values as the basis. On the other hand, in the Islamic context, while debating the mandate of the Human Rights Commission, some wanted to base it on Islamic values.

I recognize that these may be extreme examples. However, the fact remains that we have to first of all agree on the values that we shall share.

If the answer to my question is that we shall share those values that we all agree on, like for example universal human rights standards, than I will have to withdraw my question.

Having said that let me underline that I agree with the premise that the very idea of value cannot be monolithic or objective. Even the so-called higher principles of trust, neighbourliness and community spirit might have different connotations to different groups or to different people.

Coming to the highly controversial debate on “multiculturalism” or “plural-monoculturalism” as some would like to characterize it, with which I generally agree, let me say the following.

Recently, multiculturalism has become the subject of a rather heated or popular discourse. Supporters of multiculturalism aim to provide platforms to minority cultures (for example the Muslims in the West) whereby they can express their identities.

On the other hand, we have also seen criticism of this type of multiculturalism. It is said that such a policy will reconfirm categorization of “the West and the rest”.

It is also argued that such multicultural initiatives contribute to broadening of differences between so-called “distinct cultures” and mainstream cultures. As such, the

ideology and thus implementation of multiculturalism tends to compartmentalize cultures.

We should also not forget that cultures are not internally consistent, unified and structured wholes, belonging to specific ethnic or religious groups. In that sense, one cannot speak of a uniform Muslim culture that would encompass all Muslim groups in the West. In short, as I see it, multicultural platforms sharpen the process of “othering the other”.

Prominent academicians have described this phenomenon as making “the other” subordinate to the benevolence and superior reasoning of the majority.

For reasons I tried to underline, lately the discourse of interculturalism seems to have replaced multiculturalism. I am sure you will acknowledge that this is not a matter of simple semantics.

Interculturalism requires interaction and exchange between various groups. It does not imprison cultures in their “distinct spheres” and tendency to ghettoize disappears.

On the other hand, interculturalism also challenges racism, xenophobia and ethnocentrism. Some refer to inter-culturalism as “constructive engagement”, which I think is an appropriate terminology.

Now I want to briefly refer to inter-cultural or inter-religious dialogue. Any dialogue, especially as a conflict prevention tool, must have some basic characteristics or tenets to be successful:

- First of all, it must be cognitive. In other words, knowledge about the other is a must. Additionally, one has to be rational.
- Secondly, it must be based on moral responsibility. One should think and not only think, but also behave with an ethical responsibility. Otherwise, to know the other will not be possible.
- Thirdly, it must also be based on political wisdom. One should be conscious of the value of other cultures or religions. In other words cultural stubbornness should be avoided.

As we all observe, the concept and value of dialogue is frequently mentioned by many, but at times in an empty manner. The first condition for a dialogue to be successful is that we should be talking to each other, but not across each other. Furthermore, any dialogue must be peaceful and respectful.

Coming back to where I started; now I want to identify certain issues related to social core values:

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Where core values are upheld by all, diversity is not only manageable, but is also potentially enriching. We know that values come in many forms and shapes: historical, cultural, political, etc. We have to find effective modes of transmission of the core values to others.

Multiple identities are a reality. There must be freedom to manage these identities. On the other hand, policy models need to take care of both the “having been” and the “becoming” dimensions of identities.

*Relations between the OIC Member Countries and the West*

At various occasions, the OIC had underlined that it attaches high importance to the development of the relations between the OIC Member States and the West as one of the key denominators for world peace, stability and security.

In that respect, I believe this seminar is a timely and appropriate initiative, taking place while we are witnessing a significant portion of the Muslim World going through difficult times: a period of momentous transformation.

For that reason also, the growing importance that the OIC attaches to initiatives of engagement and development of relations between the Islamic World and the West is more relevant than any time before.

It would not be out of place to mention here that most of the crises going on at present are concentrated in different parts of the Islamic World. Nevertheless, the effects of these crises do not limit themselves within the physical boundary of any state or nationhood. It poses risk to global security and stability as a whole. Therefore, a relationship between the Islamic World and the West towards building a more secure world on the basis of peace and friendship concern everybody and is in the interest of all.

The OIC had underscored the areas that need to be addressed in order to boost up these relations. It also had underscored the common concerns about the negative trends in the relations between the West and the Islamic World and the challenges in reversing those trends. Great changes have taken place since then. But more needs to be done to introduce a paradigm shift, as well as a new dimension in the Islamic World-West relations. In that respect, we have to discuss in an intellectually charged discourse on where things stand today.

On my part, I would say that we have begun to see some encouraging signs. It is in this context that I intend to refer to some relevant issues. I hope my submissions would merit detailed discussion to bring out a synthesis of views.

First of all, a more formal channel of communication between the OIC and the West in general must be opened. West should ‘listen and understand’ better the Muslim World. The OIC should also do the same. A new partnership as well as highlighting the

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importance of engagement and understanding each other has to be based on 'mutual respect and mutual interest'.

Events like this seminar constitute important milestones in encouraging such a concept of 'a new beginning' through intellectual deliberations, and it must be utilized in that context.

As I alluded to before, this meeting is taking place in the backdrop of unprecedented transformation in some parts of the Muslim world. This transformation was inspired by aspirations of the people for democracy and good governance; above all by aspirations for human dignity.

The context of this transformation may be different in case of each of the countries experiencing this change. However, there is a common element and that is 'change from within'. The changes that occurred in the region have been indigenous and spontaneous. It is for this very reason that the situation in each case needs to be afforded the time, space and opportunity to determine its own course. A series of political and economic transformations on the global scene in the recent past have provided ample evidence against standard solutions.

It should also be noted that there is no 'one size fits all' solution for all countries. In other words, there is no single model to be followed; rather, there could be 'sources of inspiration' to serve as guidance. The lesson drawn should be applied in the current situation. Temptations to manage the change by imposing engineered polities should be resisted. Let the people manage the change at their own time and pace. Let the change be incremental for it to be sustainable. The people in each country should be afforded the opportunity to translate their aspirations into the necessary political will to find home grown solutions to their problems.

Let me now refer to the role the OIC can play in engaging the Islamic World with the West in a constructive and meaningful partnership. The OIC is an intergovernmental political organization originally established to seek a political solution to a volatile situation. It has since grown into the second largest international organization outside the UN system. It serves wide ranging political, economic, social and cultural interests of its Member States in a multilateral setting.

The ongoing important exercise of reform and restructuring at the OIC is essentially centered on strengthening this resolve to accord primacy to multilateralism in seeking solutions to contemporary issues in international politics. Propelled by the vision of 'moderation and modernization', the OIC today is engaged in implementing a diverse agenda including human rights, good governance and cultural diplomacy emanating from its Ten Year Programme of Action. It has finalized the establishment of an OIC Independent Permanent Commission on Human Rights to deal with human rights related issues in its member states. The OIC also speaks for protection of the rights of religious minorities. It advocates freedom of expression and like everybody else it believes that this freedom comes with responsibility.

Furthermore, the OIC believes that there exists no religious fault line between the West and the Islamic World: neither between Islam and Judaism nor between Islam and Christianity. In most of the contentious cases, religion is being used by quarters with vested interest for their narrow political and economic gains.

On the other hand, negative stereotyping and profiling people on the basis of religion is a priority agenda for the OIC for quite a long time and in this line it exerted its best efforts to tackle the issue through a broad-based partnership. As such, it was the OIC's constructive role that helped to bring about the recent consensual adoption by the UN Human Rights Council of the resolution on incitement to violence, stigmatization and stereotyping on religious grounds based on the eight points that the Secretary General of the OIC had suggested earlier during his address to the UN General Assembly last year.

I wish to conclude by expressing the hope that concrete recommendations for closer relations between the West and the Islamic World will be found. In that respect, a deeper appreciation by the leadership in Europe and US that the Islamic World constitutes a constructive partner in international relations comes at the forefront. Additionally, greater sensitivity needs to be shown to the concerns of Muslims by avoiding double standards and discriminatory practices. Finally, recognition and involvement of the OIC as a bridge and a credible partner in the conduct of wide ranging political, economic, social and cultural relations with the Muslim World would definitely be of great utility.

***International law of human rights as a 'sign of the times' for fostering religious freedom and intercultural dialogue by Antonio Papisca***

*Reflections on some recent high-level positions in the Catholic institutional context*

1. Human dignity, the universal of all universals

The horizon of human rights promotion and protection is increasingly – and visibly – a global one. The more this is emphasized by interdependence, and the more it becomes globalized, the more human rights are invoked everywhere. Anywhere life and freedom are threatened, regardless of the country or cultural and political context, the cry for “Human Rights” rises up.

Those who suffer under dictatorships and poverty demand respect for their human dignity: this is what makes International Human Rights Law an effective law, in no way a lesser law than the judgments passed by the courts.

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It is the conscience of the members of the human family, and especially the weakest and most vulnerable, that becomes the World Supreme Court.

Human dignity as the supreme value, the universal of all universals

The Universal Declaration of Human Rights - as Amartya Sen has argued - proclaims that recognition of human dignity is a meta-judicial assumption, in the sense that the inherent rights of the human person are "the parents of law, not the son of law". This is not, however, an abstract concept, since it concretely postulates the incarnation of human rights in each individual human being, made of body and soul, of spirit and matter, of intelligence, conscience and will. And from this ontological argument of the wholeness and integrity of the human being descends the principle of the interdependence of all human rights: civil, political, economic, social and cultural.

The history of the human improvement of societies and institutions is founded on universal values. In recent decades this dynamic has gathered speed thanks to three factors: the interdependence-globalization of the planet, the development of a new International Law rooted in the first part of the United Nations Charter and the Universal Declaration of Human Rights, the transnational actions of a vast number of civil society organizations and movements founded on the principle of solidarity. In 1989 the Berlin Wall collapsed, putting an end to the diarchal regime of world governance. No political scientist had ever even dared to forecast this event: only a world war - they all used to say - could ever overcome the division into an Eastern and a Western Bloc. And, since that war would have been thermo-nuclear, it would never happen. Therefore, preserving the *status quo* was the name of the game.

The sacrifice of Jan Palach, a 19-year-old student, on 16 January 1969 did not prevent the brutal repression of the Prague Spring; equally, the Budapest uprising in 1956 did not prevail over the Soviet tanks. Yet, the values of freedom and justice continued to blossom through the commitment of the so-called dissidents, Charter 77 and Solidarity.

On 4 January 2011 Mohamed Bouazizi, aged 26, a graduate but an exploited street vendor, set himself on fire in Tunisia, but the whole country went up in flames as well. And a few days later the dictator Ben Ali was overthrown.

The revolutionary movements that started in Egypt and Tunisia - and are now spreading to other Near Eastern countries - are founded on the axiological triad "human rights, rule of law, democracy." The young leaders of these movements never tire of stating that what is happening is revolution, not merely rebellion. More precisely: "*la révolution de la dignité humaine, des droits humains, de l'état de droit et de la démocratie*".

We are challenged not to miss this historic opportunity. The events on the southern shore of the Mediterranean must be interpreted through the lens of the "signs of the times", as an opportunity to better understand the immanent strength of universal ethics, at the core of which are religious values, and to use them to develop social

cohesion, inclusion and peace in accordance to what proclaims article 28 of the Universal Declaration: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized”.

## 2. The ‘supra-constitutional’ relevance of article 18 of the Universal Declaration of human rights

International human rights law, which is rooted in the United Nations Charter, in the Universal Declaration of human rights and in the two International Covenants of 1966, respectively on civil and political rights, and in social, economic and cultural rights, specifically confronts the question of religious liberty. An expression of positive secular thought and a powerful sign of the times, it defines the correct relationship between the civil sphere and the religious one, setting out from the acknowledgment of each person’s fundamental right to religious liberty.

Article 18 of the Universal Declaration declares that “everyone has the right to freedom of thought, conscience and religion: this right includes freedom to change his religion or belief, and freedom, 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 right is recognized in the context of a norm dealing with the right to freedom of thought and freedom of conscience: it is part of the sacred triad of the universal code of human rights; it forms the heart, the strong axiological nucleus of rights inherent to the dignity of the human person.

Article 18 of the International Covenant on civil and political rights takes up the text quoted above, further defining the import in four paragraphs. The content of pertinent articles in other international legal instruments is essentially similar, in particular the European Convention of 1950 (article 9), the Interamerican Convention of 1969 (article 12), the African Charter of human rights and peoples’ rights of 1989 (article 8), the International Convention on children’s rights of 1989 (article 14), the European Union Charter of fundamental rights of 2000 (article 10), the Arab Charter of human rights of 2004 (article 30).

It is also useful to remember the detailed stipulation offered by the UN Declaration regarding the elimination of all forms of intolerance and discrimination based on religion or belief, endorsed by the General Assembly on 25 November 1981. Among other points, it specifies that: “no one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice (...) no one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief (...) all States shall take effective measures to prevent and eliminate discrimination (...) the parents or, as the case may be, the legal guardians of the child have the right to organize life in accordance with their religion or belief within the family and bearing in mind the moral education in which they believe the child

should be brought up (...) every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle". The document then states that the child "shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion, or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow man".

Similarly, article 19 of the Italian Constitution is perfectly aligned with current International law, establishing that "everyone has the right freely to profess their religious faith in whatever form, individual or group; to proselytize it and exercise its practice in public or private, providing that it does not involve rites contrary to decency".

This universal concordance of norms is itself a significant sign of the times: it indicates that we are contemplating a fundamental right of the person which is assigned the highest juridical and moral value, and whose exercise is not confined simply to the private sphere.

The Recommendation 1962 (2011) "The religious dimension of intercultural dialogue", endorsed by the Parliamentary Assembly of the Council of Europe on 12 April 2011, emphasizes this very aspect, affirming that the right to freedom of thought, conscience and religion "represents one of the foundations of a 'democratic society' (...) it is, in its religious dimension, one of the most vital elements of believers' identity and their conception of life, but is also a precious asset for atheists, agnostics, skeptics or the unconcerned".

In his Message for the World Day of Peace 2011, Pope Benedict XVI is substantially in accordance with the concept recognizing what I am calling the supra-constitutional value of article 18 of the Universal Declaration: he declares that "among the fundamental rights and freedoms rooted in the dignity of the person, religious freedom enjoys a special status". Referring to the contents of the Second Vatican Council's "Declaration on religious freedom *Dignitatis humanae*", he explains its profound *raison d'être*: "The right to religious freedom is rooted in the very dignity of the human person, whose transcendent nature must not be ignored or overlooked (...). This dignity, understood as a capacity to transcend one's own materiality and to seek truth, must be acknowledged as a universal good, indispensable for the building of a society directed to human fulfillment".

The Pope also declares: "Religious freedom expresses what is unique about the human person, for it allows us to direct our personal and social life to God, in whose light the identity, meaning and purpose of the person are fully understood. To deny or arbitrarily restrict this freedom is to foster a reductive vision of the human person".

Religious freedom, then, is not a separate part of the person's identity; it permeates his whole being. We cannot concretely separate the person's religiosity from other roles and conditions regarding his sociality. We must remember that the internationally recognized human rights are civil and political as well as economic, social, and cultural. As expressly required by International human rights law, they must be realized according to the principle of their interdependence and indivisibility: a principle rooted in the ontological truth of the human being's integrity, made up of body and soul, spirit and matter: the human being cannot be torn in two. To this regard the Pope warns: "It is inconceivable that believers should have to suppress a part of themselves—their faith—in order to be active citizens. It should never be necessary to deny God in order to enjoy one's rights".

### 3. Religious values for a just and peaceful *glocal* order

As regards the Catholic religion in particular, we must first point out that the Popes of the twentieth century constantly refer to international rules "based on moral norms", in particular to universal human rights law, and to the United Nations. Like his predecessors, in the aforementioned Message for the World Day of Peace, Benedict XVI once again points out that "international law is a model and an essential point of reference for states, insofar as it allows no derogation from religious freedom, as long as the just requirements of public order are observed. The international order thus recognizes that rights of a religious nature have the same status as the right to life and to personal freedom, as proof of the fact that they belong to the essential core of human rights, to those universal and natural rights which human law can never deny". This truth implies "fostering an unswerving commitment to base positive law on the principles of the natural law. All this is necessarily consistent with respect for the dignity and worth of the human person enshrined by the world's peoples in the 1945 Charter of the United Nations, which presents universal values and moral principles as a point of reference for the norms, institutions and systems governing coexistence on the national and international levels."

This orientation clearly reflects the doctrine, now consolidated, according to which the Universal Declaration is customary law, containing principles of *ius cogens*.

Sustained also by these norms of universal *ius positum*, the Pope admonishes: "Whenever the legal system at any level, national or international, allows or tolerates religious or antireligious fanaticism, it fails in its mission, which is to protect and promote justice and the rights of all. These matters cannot be left to the discretion of the legislator or the majority since, as Cicero once pointed out, justice is something more than a mere act which produces and applies law. It entails acknowledging the dignity of each person which, unless religious freedom is guaranteed and lived in its essence, ends up being curtailed and offended, exposed to the risk of falling under the sway of idols, of relative goods which then become absolute".

In light of this strong acknowledgment of the providential utility of International human rights law, based on the dignity and centrality of each member of the human family, we

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may also suggest that current international norms allow us to hold that all those who make up the “people of God” within the Church have a right, based on their fundamental right to religious freedom, to demand that the freedom and independence of the Catholic Church as a trans-national institution, beginning with its governing bodies, be safeguarded throughout the world. In other words, it is the fundamental right to religious freedom of the person who accepts and professes the Christian-Catholic faith, more than any analogies with the sovereignty of states or with centuries-long custom involving diplomatic relations and “concordatory”, which *de iure* found the independence of the Church, both in the single countries and in the wider context of international relations.

In interpreting this international normative reality according to the grammar of *signs of the times* (which is widely used in the Encyclical “Pacem in Terris” by John XXIII, 1963), we might say that Providence is working in history to produce fruits of a truly *infrastructural* relevance *pro humana dignitate*.

To quote Benedict XVI again: “The world needs God. It needs universal, shared ethical and spiritual values, and religion can offer a precious contribution to their pursuit, for the building of a just and peaceful social order at the national and international levels”.

It immediately comes to mind that article 28 of the Universal Declaration offers formal, almost literal, legitimation: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized”. This implies peace founded on justice - *opus iustitiae pax* - proclaimed, indeed, as a fundamental human right: “a gift of God and at the same time a task which is never fully completed”. The Pope then adds: “Religious freedom is an authentic weapon of peace, with an *historical* and *prophetic mission*”.

For the realization of this project, to be carried out with “moral weapons, those which give strength and prestige to international law”, the Pope invokes several Beatitudes of the Gospel, such as: “Blessed are you when men revile you and persecute you and utter all kinds of evil against you falsely on my account”.

The reference to the Sermon harmonizes well - even on the ground of “positive secularity” - with the UN Declaration “on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms”, adopted by General Assembly resolution 53/144 on 9 December 1998. Throughout the world, this is considered as the Magna Charta of *human rights defenders*, the pioneers of universal citizenship. It seems appropriate here to quote two of the twenty articles that compose it. Article 1: “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”.

The sense of this statement: the commitment, even the non-violent struggle, to build peace is without borders.

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Article 7 states: “Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance”.

This means that the “project” for peace in justice needs courageous persons, capable of contradicting and disarming the followers of *Realpolitik*, whether they be politicians without scruples or arrogant, presumptuous intellectuals. The Beatitude specifically appropriate to this case is that of the poor in spirit: those who are not ashamed to think on a high level; those whose gaze falls near and travels far at the same time; those who actively exercise the virtue of hope; they do not fear derision; they do not mind being accused of utopianism or of being goody-goodies.

The three great monotheistic religions immanently foster peace because they foster human dignity and therefore, the life of the human being as created by God in his image. The life of the human person is therefore sacred; who kills him/her commits a crime against his/her Creator. Death penalty, the killing of an individual, is a crime against God. Similarly, war, a collective killing, is a crime against God: “Every act of war (...) is a crime against God and against humanity itself; with firmness and without hesitation it must be condemned” (Council Constitution “Gaudium et Spes”, 1965, n. 80). The condemnation of war is even more radical, if possible, in the above-mentioned “Pacem in Terris” by John XXIII (n. 67): “*Quare aetate hac nostra, quae vi atomica gloriatur, alienum est a ratione, bellum iam aptum esse ad violata iura sarcienda*”: We might translate: “In an era like ours, which glories in the power of the atom, it is absurd to believe that war is the suitable instrument for re-establishing violated rights”. In other words, war is for madmen.

In 2003, John Paul II offered this heart-wringing testimony: “I belong to the generation that lived through world war two and survived. I have the duty to say to all young people that have not experienced this: no more war”. This is the same cry - *Jamais plus la guerre, jamais plus la guerre* - made by Paul VI in his memorable speech given before the General Assembly of the United Nations in 1965.

Any authentic religion cannot but profess the imperative: *si vis pacem, para pacem*. if you want peace, prepare peace. This finds juridical formulation in the above-mentioned article 28 of the Universal Declaration of human rights. In this dynamic sphere of positive peace, religious freedom operates fruitfully through inter-religious dialogue, becoming an instrument capable of spiritualizing intercultural dialogue and of creating synergies for: strengthening thanksgiving and worship of the one God; strengthening respect for universal ethics in the system of international relations; building bridges and fostering acts of solidarity within this system; in particular, favouring multi-lateral cooperation and the democratic development of legitimate international institutions, beginning with the United Nations; in short, making the world become a “shared home” for all the members of the human family: a “house of prayer” of and for peace.

We recall that on 27 October 1987, John Paul II said: “Peace is the result of a prayer that, even in the diversity of religions, expresses the relationship with a supreme being that surpasses our mere human capacities”.

#### 4. The principle of ‘ethical-juridical compatibility’

We need to point out here that the exercise of the specific right to religious freedom must be compatible with the general principles of the universal code of human rights. Any religion or credo of a different nature, which pretends to legitimate false values such as racial, religious or sexual discrimination, violence, intolerance, or social exclusion, openly contradicts the principles and norms of current International law of human right which declare that all members of the human family “are born free and equal in dignity and right. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood” (article 1 of the Universal Declaration).

We should also cite the second paragraph of article 20 of the International Covenant on civil and political rights: “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”.

Significantly, the first paragraph of this article firmly states: “Any propaganda for war shall be prohibited by law”!

In short, in order for the claim for religious freedom to be legitimate, it must take into account all the other internationally recognized fundamental rights and freedoms. This means that religions, like cultures, must refer to the universal paradigm of human rights, and deeply examine their conscience in order to reveal the negative part of their respective histories, and repudiate it.

In order to elucidate what we might call the “principle of ethico-juridical compatibility”, we could profitably appeal to the above-mentioned Recommendation 1962 (2011) of the Parliamentary Assembly of the Council of Europe: “The religious dimension of intercultural dialogue”. Its underlying concept is that in Europe, while “Churches and religious communities have the right to exist and to organize themselves independently (...) “freedom of religion and freedom to have a philosophical or secular world view are inseparable from unreserved acceptance by all of the fundamental values enshrined in the Convention”. Explicit reference here is to the European Convention for the protection of human rights and fundamental freedoms of 1950; implicitly, to the International human rights law as a whole. The Parliamentary Assembly of the Council of Europe’s Recommendation clarifies the fact that “differences, as long as they are compatible with respect for human rights and the principles that underpin democracy, not only have every right to be there but also help determine the essence of our plural societies”. It “considers it not only desirable, but necessary, that the various Churches and religious communities - in particular the Christians, Jews and Muslims - recognize each other’s right to freedom of religion and belief”. Furthermore it affirms that “it is also indispensable that people of all beliefs and world views, religious or otherwise, accept

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to intensify dialogue building on the common assertion of all people's equal dignity and wholehearted commitment to democratic principles and human rights. These are two crucial conditions for developing a new culture of living together". The Assembly "calls upon all religious communities and Churches to persevere in their endeavours for dialogue, including with humanist movements, in order to work in unison to attain the goal of effectively safeguarding these values everywhere, throughout Europe and worldwide".

We find special relevance in that part of the Strasbourg Recommendation that regards the teaching of religion in schools, and the formation of teachers of religion and persons having religious responsibilities. After affirming the importance and function of the education system relative to teaching about and understanding various cultures and religions, the Recommendation emphasizes the need for religious communities and states to cooperate with one another in reviewing this sector together, "following a holistic approach".

The principle of "state neutrality" as regards religious education in schools is expressly invoked in urging the national authorities to commit themselves to preventing parents' religious and non-religious convictions from being "offended".

The Recommendation affirms that the internal autonomy of religious institutions in forming persons assigned religious responsibilities, beginning with ministers of worship, is a principle intrinsic to religious freedom, but that it has a limit in the fundamental rights, in the principles of democracy and in the rule of law. With this premise, the Parliamentary Assembly, while urging religious institutions to study together within a context of inter-religious dialogue, how best to educate their own "cadres", at the same time gives indications as to method and substance: such religious formation must be carried out open-mindedly, through dialogue and cooperation among religious communities; it must transmit knowledge and understanding of other religions and faiths; and it must educate persons to respect human rights, the democratic principles, and the rule of law as a common basis for dialogue and cooperation themselves.

The Strasbourg Recommendation's insistence on the paradigm of human rights, the rule of law and democratic principles must be interpreted in light of the concept of positive secularity. In affirming that human rights must be included even in the educational curricula of ecclesiastic persons (religious responsables), the Council of Europe clearly has no intention of promoting the "secularization" of religious practice. Human rights are universal ethical values, recognized as such by international *ius positum*: knowledge relating to them, being intrinsically value-driven, is in perfect accord with the universalistic, transcendent vocation of the great religions: in particular, with the three monotheistic religions present in Europe.

I might add that the duty of duties - shall we say - for anyone invoking respect for his/her right to religious freedom, is that of the believer towards his/her own religion: anyone claiming for the respect of this very sensitive right must first of all honour his/her own religion; that is, be consistent by word and deed with the creed professed,

and participate actively in constructing dialogue and peace along a pathway leading from local levels to the great sanctuaries of international politics.

5. Inter- instead of multi- for cultural dialogue and inclusion in the European space

*"One thing no one should doubt: if we are to build a world where law prevails over the use of force, the rule of law shall need to be its bedrock ...Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world."* Eleanor Roosevelt.

The effects of religious inspiration on the development of intercultural dialogue may well be of fundamental importance, especially as regards processes of inclusion where people live their daily life, and the acceptance of the new concept of plural citizenship.

What follows is an example of practical *infrastructural* implications at local level.

The government of cities is conditioned by the effects of globalization in various domains, starting with the economy, and by increasingly rapid migration and multiculturalisation processes: cities need to equip themselves in order to actively adapt to these new dynamics, also to take a pro-active role in global, multilevel governance.

The model cannot be that of historical multi-ethnic cities, made up of sub-systems that draw their strength for coexistence from the mutual defence of different identities, that is in a perspective in which multi- prevails over inter-.

The model for a sustainable city is a holistic model, based on fundamental rights of the human person more than on 'minorities' approaches, within which the *sub-systemic* (ethnic, cultural, religious) dimensions are encouraged to actively interact, in compliance with the overarching *systemic* paradigms. Sustainability is expressed through the interaction of the different cultural components, pursuing the goals of the common good and good governance, in full respect of all diversities compatible with the systemic value system (or ethical-legal system).

The multicultural city is requested to become essentially intercultural, stimulated to act as a laboratory for human security, human development, new (plural) citizenship, universal culture (or culture of the universal), an active workshop of good governance.

To use the language of cybernetics, our cities are called on to trigger active adaptation processes in view of the current world transformation: this involves abandoning those



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features of their original identity that contrast with the substance of the new paradigm provided by International human rights law.

The joint Council of Europe and European Commission Programme on Intercultural Cities provides a good indication: “The Intercultural City does not simply ‘cope’ with diversity but uses it as a source of dynamism, innovation, creativity and growth. It accepts diversity as a norm and helps people from all groups – minority as well as the majority – benefit from it. The intercultural city shapes its educational, social, housing, employment, cultural and related policies, and its public spaces, in ways which enable people from different cultural backgrounds to mix, exchange and interact for mutual benefit”.

UNESCO is on the same wavelength, as we can see from its fundamental Convention on the “Protection and Promotion of the Diversities of Cultural Expressions” adopted in 2005, and which entered into force in 2007: it was ratified by the EU Member States and by the European Union as well. The Preamble of this Convention states that “cultural diversity, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures, is indispensable for peace and security at the local, national and international levels,” and that cultural diversity is important “for the full realization of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized instruments.” Among the many articles of this Convention I would like to highlight the one that establishes eight guiding principles (article 2) and the one that provides the Convention’s definitions (article 4). The first principle establishes that “Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed.” The definition of cultural diversity “refers to the manifold ways in which the cultures of groups and societies find expression. These expressions are passed on within and among groups and societies.” Article 4 further states that “Cultural diversity is made manifest not only through the varied ways in which the cultural heritage of humanity is expressed, augmented and transmitted through the variety of cultural expressions, but also through diverse modes of artistic creation, production, dissemination, distribution and enjoyment, whatever the means and technologies used.” Especially useful in relation to cities as intercultural workshops is definition number 8: “Interculturality refers to the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect.”

Thus, the intercultural city is envisaged as a womb in which new and “shared” cultural expressions are nurtured, in other words where the development of a universal culture is fostered, a culture which holds as its central tenet the principle that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” (Preamble of the Universal Declaration of Human Rights).

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From this perspective, intercultural dialogue is not merely an exchange of cognitive data on human beings' different identities: the exchange is needed in order to agree on a single transcultural-universal code and to pursue together, as already pointed out, the goals of the common good. In brief, the intercultural city does not accept and freeze cultural diversity as an absolute, static value; rather, it considers it as the means of cultural enrichment, as a driver for human development and human security, for social and territorial cohesion within a scheme of multi-level governance.

It is very important that there should be a shared code of rules, on which there is consensus, and which is used as the instrument for the construction of the inclusive city. These rules cannot but be rooted in the universal code of human rights and in democratic constitutions, and their content must become part of the culture of the city, also through formal means, that is enshrined in its statutes and charters of principles. There is an increasing number of examples of this “glocalization” (and “popularization”) of International human rights law: from the “European Charter for the safeguarding of human rights in the City” (2000), whose article 1 proclaims the “Right to the City” as a fundamental right, to the “Montreal Charter of Rights and Responsibilities” (2005).

The precursor to this highly innovative practice is what happened in Italy starting in 1991. In compliance with the law on local autonomies (in the sense of increasing self-government), Municipalities and Provinces drew up new statutes: hundreds of these statutes include rules recognizing human rights, in particular peace as a fundamental right of the person and of the peoples, with explicit reference to the principles enshrined in the national Constitution and in the International law of human rights.

Some of these statutes refer explicitly to the Universal Declaration, to the International Convention on the Rights of the Child, to the Charter of Fundamental Rights of the European Union, even to the United Nations Charter.

The deeper meaning of these legal developments at sub-national level is that local government institutions intend to affirm the real effectiveness of a Law that is intrinsically universal, since it brings together the legal systems at different levels by referring to a single and shared “fundamental norm.” The intercultural city promotes and benefits from this link, and can thus proclaim - including through formal deeds – its primary “responsibility to protect” the fundamental rights of all those who live on its territory, thereby claiming also its right to participate in multilevel governance processes.

6. For plural citizenship: *ius humanae dignitatis*, not *ius sanguinis*

The intercultural city is a workshop for the development of plural citizenship. The birth of International Human Rights Law in 1945-1948 launched the age of *plenitudo iuris* for all legal systems and, by implication, *plenitudo civitatis*, fulness of citizenship. By virtue of the international legal recognition of human rights, the concept and status of citizenship should be re-defined based on the notion that *ius humanae dignitatis* prevails over the traditional parameter of *ius sanguinis*. The internationally recognition

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of the human rights of any member of the human family assigns pre-eminence to this universal citizenship; and this requires that traditional forms of citizenship (national, regional, EU) comply fully with the overarching universal legal statute of the human person.

The intercultural city is an inclusive city, meaning that it shoulders the responsibility of establishing the conditions necessary for all the rights and duties of citizenship to be concretely exercisable by all those (autochthonous and immigrant) who live in it. Inclusion does not mean integration, but it is the necessary prerequisite for processes of voluntary integration. The inclusive city respects the multiple identities of persons and fosters the acquisition of a transcending civic identity, understood as a greater civic awareness needed to develop interculturality and solidarity projects for pursuing goals of common good.

The intercultural city is secular by definition: it is a space open to the exercise of all human rights by all persons (including the right to freedom of religion and worship), according to the principle of the interdependence and indivisibility of all rights. It promotes positive secular values, in that it is open to enriching autochthonous values and cultural symbols with new values and symbols. As before emphasised, religious belief is not a separate part of a person's identity: it permeates the person in his/her entirety. Faith cannot be separated – except in an abstract manner – from the roles and the status a person enjoys in society, from that person's civic commitment. It has been very aptly stated that “it is inconceivable that believers should have to suppress a part of themselves – their faith – in order to be active citizens. It should never be necessary to deny God in order to enjoy one's rights” (Benedict XVI).

Based on a misguided interpretation of secularism, in some European contexts immigrants are expected to deny *in toto* their history and the religious symbols that characterized the most deeply rooted part of their identity. There is a need to distinguish between negative and positive secularism. Positive secularism does not call for the eradication and cancellation of all cultural and religious symbols, of one's historical roots provided that they are compatible with the universal code of human rights: on the contrary, it is a space of freedom, open to the exercise of all human rights for all, including freedom of religion.

In this age in which societies are becoming increasingly multicultural - especially in Europe - the lessons of a secularism that respects all rights pertaining to a person are fully in the spirit of bridge-building and of inclusion. Of course, on condition that the cultural diversities are always compatible with the paradigms of these universal values, in other words as long as they cleanse themselves, drinking at the common spring of universal values in order to engage in fertile dialogue. This means that there shall be no need to remove existing religious symbols, or other symbols of collective identity, from public places: if necessary, additional symbols can be added, as long as the message they convey is compatible with the Universal Declaration. Negative secularism is impoverishment; positive secularism enriches all.

The intercultural city is genuinely a 'territory' but not a 'boundary'. It contributes to the re-definition of the category of territoriality, in that it mitigates the monopolistic use made of the term by States; and promotes instead forms of cross-border territorial cooperation for the purpose of strengthening social and territorial cohesion.

The intercultural city is the Human Rights City. As such, it establishes its own "human rights infrastructure," consisting essentially in a Statute recalling the principles enshrined in the national Constitution and in International human rights law, with, for example, a Human Rights Committee, a City Councillor responsible for human rights, peace and intercultural dialogue, and an Ombudsman.

Finally, the intercultural city is a city committed to educate its citizens in human rights, dialogue, solidarity, beauty, artistic creativity, respect of nature and the environment. It is a laboratory for a new Humanism, open to transcendence and positive secularity.

**The social and cultural dimension of religious discrimination by *Konstantin V. Shuvalov***

1. The situation of Christian communities in non-Christian-dominated societies and States has been determined, both historically and to date, by the national paradigm of religious coexistence and communities' affiliation to specific Christian denominations. This is how it works in Muslim States.

Traditional Islam, both Sunni and Shiite, imposed certain and often significant restrictions on the exercise of human rights, social inclusion and political participation of recognized Christian minorities. Some elements of this approach still exist in a direct or residual form, in every Islamic society. In those cases where these restrictions are not institutionalized by law, they are present in political culture and practices.

2. The traditional Islamic model of religious freedoms, unlike the modern-day European one, treats religious communities as not only cultural but also social and legal subjects. This is in line with the political culture of Islamic States, which is deeply entrenched in the mentality of both Muslims and native people of Christian faith living in Islamic States.

In a normal political situation, Christian communities' rights recognized by Islam are upheld not only by the traditional Islamic State, let alone the modern democratic Islamic State, but also by traditional public opinion. The analysis of flagrant violations of these rights, for instance the attacks on Coptic churches in Egypt, shows that both public authorities and traditional Islamic leaders take a clear stand against them.

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Thus, who actually threatens Christian churches and communities? This threat emanates from Salafi and integrist Islamic movements opposing traditionalism; those who consider the historical practices of Islamic State-building to be inconsistent with their religion; and radical Islamists, especially in post-colonial States lacking any historical experience of coexistence with indigenous Christian minorities.

3. What is the best strategy for securing religious freedoms for Christian communities in Islamic States?

One option would be to impose the primacy of human rights as a value and reality lying beyond or even transcending culture. This is the approach followed by Western nations with more or less differences in tactics. Let those who pursue this approach estimate its effectiveness; in my view, however, this strategy does not work and will never do. The human rights concept refers to human freedom, ways to exercise it and to be understood by others. The treatment of human freedom is key to any cultural system. Human rights can and should be a subject of intercultural dialogue with Islam. The enjoyment of these rights in any specific case should not be detrimental to the society in general, its identity and political culture.

Another option would be the evolution of interfaith relations within the Islamic society in a way that keeps intact its traditional components such as social and legal personality of religious minorities.

This evolution is likely to be successful on the understanding that it will be an element of mobilization of State and public forces to combat the threat of extremism, primarily religious one, rather than a reaction to an external appeal or pressure.

4. Ensuring religious freedom for Christians in Islamic societies and harmonious relations between Muslims and non-Muslims in Western countries should be viewed as interconnected objectives. Imposing on Muslims the Western-style model of relationship between religion, on the one side, and society and State, on the other, seems to be futile and contributing to the escalation of conflicts. We need a wider and deeper intercultural dialogue without taboo subjects or predetermined outcomes and without excluding human rights from subjects of dialogue. On the other hand, it is abnormal and unacceptable that height limitations for minarets, offensive language and publications, on the one side, and killings of people for practicing another faith and setting temples on fire, on the other, are considered to be equally grave and detrimental to inter-civilizational relations. Constant talk on Islamophobia as well as on any other specific ethnic or religious intolerance can be easily turned into a tool of political manipulation. Non-selective approach to condemning infringements on religion and violations of religious freedoms appears to be a solution.

5. The subject under discussion is very important and by no means simple. Dialogue and compromise are key concepts here, and the level of effectiveness depends directly on the participants' readiness for self-change.

**PROGRAM**

**OVERVIEW**

Dates: 13-14<sup>th</sup> June 2011

Duration: two days

Place: European University Institute, Florence, Italy

Sponsors: Governments of Italy and Spain in cooperation with the European University Institute in Florence and under the auspices of the United Nations Alliance of Civilizations (UNAOC)

Invited participants: Official delegations, international organizations, experts, academic scholars, religious leaders and representatives

Participants: aprox. 60

Language: English

***BACKGROUND***

At the III United Nations Alliance of Civilizations Global Forum in Rio de Janeiro, Brazil, the Spanish Minister of Foreign Affairs and Cooperation proposed together with the Italian Minister of Foreign Affairs to organise, under the auspices of the Alliance of Civilizations and according to the EU efforts to assure the protection of freedom of religion and belief and its exercise by minorities, a seminar on Christian minorities.

The freedom of conscience, and its corollary, freedom of religion represents the pivotal basis to overcome prejudice and distrust within societies. As such, they are protected by virtue of Article 18 of the Universal Declaration of Human Rights.

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This proposal follows similar exercises organised by Spain and Italy. Spain organised the Conference on Anti-Semitism held in the framework of the OSCE (Cordoba, 2005), the Conference on “*Intolerance and Discrimination against Muslims*” on the occasion of the Spanish Presidency of the OSCE (Cordoba, 2007) and, more recently, the International Conference on “*Religious freedom in democratic societies*” on the occasion of the Spanish Presidency of the EU, under the auspices of the UN Alliance of Civilizations (Cordoba, 2010).

Italy, on the other hand, organized and hosted on the same vein several initiatives on religion and international relations, including the seminars on “*Religions and International Relations: Challenges and Opportunities*” (Trento, 2009) and on “*Religions and Global Governance*” (Trento, 2010). Both the initiatives were held under the auspices of the Alliance of Civilizations. On the occasion of the Italian Presidency of the G8, a conference of Leaders of World Religions was convened (Rome 2009) to address the issue on the upcoming G8 Summit in L’Aquila. Moreover, an international seminar on Religions and Human Rights was organized in Rome in 2010 with the Italian Government contribution and active participation.

The Alliance of Civilizations has been participating in similar exercises on religion and interreligious dialogue. At the last Rio Pre-Forum, a session on *Islamophobia* was organized with the sponsor of the Organisation of the Islamic Conference, together with the Council of Europe and the British Council. The Alliance of Civilizations also organized with the North-South Centre of the Council of Europe, in partnership with the Aga Khan Network, the 2010 Lisbon Forum, dedicated to “*Freedom of Expression, Conscience and Religion*”, as a follow-up of the mentioned Cordoba International Conference.

The European University Institute at Florence (Italy), founded and supported by the European Union, brings together four departments of doctoral studies (Law, Economics, Civilization and History, Social and Political Sciences) and a research centre, the Robert Schuman Centre for Advanced Studies (RSCAS). In the framework of the RSCAS, Professor Olivier Roy is heading two programs which are respectively devoted to the relations between Europe and Middle East (*The Mediterranean Programme*) and to the development of a common approach towards the issue of religion in the public sphere (*Religion-West*). The aim of the latter programme is to study how countries on both sides of the Mediterranean may converge, beyond their historical and cultural differences, in recasting religious practices in terms of individual human rights.

Italy and Spain consider that religious diversity should be analysed from a global perspective and take advantage of the Alliance of Civilizations as a platform for dialogue and cooperation where these special and sensitive issues linked to cultural and religious differences can be tackled in a constructive spirit. For this reason, Italy and Spain consider that the next 4<sup>th</sup> Forum of the Alliance of Civilizations in Qatar on December 2011 will be a great opportunity to reinforce religious diversity by assuring the full exercise of freedom of religion and the protection of minorities.

**CONCEPT NOTE**

Religion is a valuable complement to every society, because of its commitment to ethical values, role in social cohesion, and cultural dimension. The growing cultural and religious diversity in our world, as a result of migratory movements and the effects of globalisation, demands a process of reflexion on coexistence, both within and among societies.

The right and the freedom to profess a religion are enshrined in the UN Universal Declaration of Human Rights and other international covenants. They are the result of the convergence and aspiration of different religions and beliefs. Delving deeper into our common principles and values is the key to overcoming approaches that emphasise what divides us.

Fear of the transformation of identities generates tensions and provokes unease, defensiveness and attitudes of resistance towards different cultural and religious traditions. A better understanding of diversity issues including the situation of religious minorities is essential to avoiding discrimination in its different forms, counteracting stereotyping, prejudice and mistrust, for the sake of building inclusive, open societies to accept diversity as a source of enrichment, not of division and conflict.

The social and political inclusion of religious communities needs to address issues related to citizenship and democratic participation, and of equal rights and opportunities. Ensuring social cohesion and preventing radical attitudes and religious extremism should be an object of special consideration.

Other fundamental rights directly related to religious freedom, such as freedom of opinion and of expression, equality between men and women, and those regarding religious education, will be the object of particular attention.

Political institutions and governments are increasingly aware of the role that reciprocal tolerance between religions can play in esteem between cultures, and cooperation and peace in international relations. How to achieve this goal and how to combat such attitudes will be other issues to be discussed

Moreover, interfaith dialogue initiatives launched in recent years are contributing to mutual knowledge, understanding and respect among communities finding ways to build common ground for more harmonious relations between individuals and communities. Such an approach contributes to overcoming mistrust, favouring reconciliation, and making it possible to develop one of the main positive aspects of every religious confession.

The auspices of the United Nations Alliance of Civilizations, as a platform for dialogue and cooperation and a catalyst for concrete projects and initiatives, offers an ideal

framework for bringing positions closer together and overcoming divisions based on religious and cultural differences. As an action-oriented initiative, it focuses its activities on four priority areas: education, youth, the media and migration. Therefore, our reflections should be aimed at offering specific results that could be translated into initiatives and projects for action, related to, among other areas, good governance of religious diversity, education for diversity, transmitting intercultural competence.

The preparatory meeting in Florence will offer the possibilities to address religious diversity in general and the case of Christian Minorities in particular. The experience of the mentioned previous exercises as well as the outcomes of this Seminar will contribute to the preparation of the Session on Religious Diversity in the IV AOC Global Forum in Doha.

#### **COORDINATION**

- Ambassador M. Victoria Gonzalez Román, Ministry of Foreign Affairs and Cooperation, Spain
- Director General Pasquale Ferrara, Ministry of Foreign Affairs, Italy
- Professor Olivier Roy, Head of the Mediterranean Programme, European University Institute

#### **LIST OF PARTICIPANTS**

##### *By alphabetical order*

- Hadi Adanali, Advisor, Ministry of State, Turkey
- Pasquale Annichino, Researcher, EUI, Italy
- Nasir Asiya, Member of the National Assembly, Pakistan
- Dominique Avon, Professor, University of Le Mans, France
- Mahmoud Azab, Adviser to the dialogue of the Grand Imam of Al Azhar Ahmed Tayeb, Egypt
- David Behar, Ministry of Foreign Affairs and Europe, France

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- Deborah Bergamini, Chair of the Executive Council, Council of Europe, North-South Centre
- Valeria Biagiotti, Deputy Head of the Policy Planning Unit, Ministry of Foreign Affairs, Italy
- Luis Calvo Merino, Ambassador of Spain in Italy, Ministry of Foreign Affairs and Cooperation, Spain
- F. Javier Cantero Talavera, Head of Area, Ministry of Foreign Affairs and Cooperation, Spain
- Henar Corbí, Director of Holocaust and Antisemitism, Casa Sefarad-Israel, Spain
- Fadi Daou, President, Adyan Foundation, Lebanon
- Ardak Dukenbayuly Doszhan, Ministry of Foreign Affairs, Kazakhstan
- Martyn Egan, Researcher, EUI
- Alfonsas Eidintas, Ambassador, Lithuanian MFA and OSCE Taskforce, OSCE
- Pasquale Ferrara, Head of the Policy Planning Unit, Ministry of Foreign Affairs, Italy
- María Jesús Figa López-Palop, Ambassador of Spain in Holy See, Ministry of Foreign Affairs and Cooperation, Spain
- Mons. Anthony Frontiero, Pontificio Consiglio Iustitia et Pax, Holy See
- Bience P. Gawanas, Commissioner for Social Affairs, African Union
- Carlos García de Andoín, Deputy Chief of Cabinet of the Minister of the Presidency, Spain
- Ilias Ginting, Secretary of the Directorate for General Information and Public Diplomacy, Ministry of Foreign Affairs, Indonesia
- Flaminia Giovannelli, Undersecretary, Pontificio Consiglio Iustitia et Pax, Holy See
- Alain Godonou, Conservateur du Patrimoine, UNESCO
- Michel Goffin, Deputy DG for Multicultural Coordination, Ministry of Foreign Affairs, Belgium

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- María Victoria González Román, Ambassador at large for the Alliance of Civilizations, Ministry of Foreign Affairs and Cooperation, Spain
- Jeremy Gunn, Member of the Advisory Panel of Experts on Freedom of Religion or Belief, ODIHR, OSCE
- Denis Huber, Director, The North-South Centre, Council of Europe
- Massimo Introvigne, Personal Representative of the Chairperson in Office, OSCE
- Kheloudja Khalfoun, Lawyer in Tizi Ouzou, Algeria
- Samir Khalil Samir, Orientale Universita Roma, Egypt
- Anne Koistinen, Policy Officer European External Action Service, Human Rights Policy Instruments Division, EU
- Sabine Kroissenbrunner, Head of the Task Force for Dialogue of Cultures, Federal Ministry for European and International Affairs, Austria
- Justo Lacunza, Rector Emeritus, PISAI, Spain
- Rev. Margaretha Maria Hendriks-Ririmasse, Vice moderator, World Council of Churches, Indonesia
- Nadia Marzouki, Jean Monnet Fellows at the Robert Schuman Center, EUI
- Omar Monieb, Ministry of Foreign Affairs, Egypt
- Fasil Nahoum, Special Advisor of the Prime Minister, Ethiopia
- Jessica Northey, Researcher, EUI
- Ömür Orhun, Ambassador, Special Envoy of the Organization of the Islamic Conference
- Antonio Papisca, Professor. UNESCO Chair Human Rights Democracy and Peace, University of Padua, Italy
- Marta Pérez Soria, Advisor, Ministry of Foreign Affairs and Cooperation, Spain
- Yeanny Poppy, Directorate of Public Diplomacy, Ministry of Foreign Affairs, Indonesia
- Ilari Rantakari, Ambassador, Ministry of Foreign Affairs, Finland



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- Mohamad Razdan, SDG Political and Security Issues, Ministry of Foreign Affairs, Malaysia
- Olivier Roy, Head of the Mediterranean Program, RSCAS, EUI
- Gerhard Sabathil, Director of the European External Action Service, EU
- Bernard Sabella, Associate professor of Sociology, Bethlehem University, Palestine
- Mariano Sanz González, Rector of the National Spanish Church of Santiago and Montserrat, Spanish Episcopal Conference, Spain
- Zhamilya Abugalievna Saurebayeva, Diplomat of the Department of Multilateral Cooperation, Ministry of Foreign Affairs, Kazakhstan
- Marc Scheuer, Director of the Secretariat of the United Nations Alliance of Civilizations
- Alexander Stummvoll, Researcher, EUI
- Ahmed Tazi, General Director of Cultural and Scientific Cooperation, Ministry of Foreign Affairs, Morocco
- Joy Tirol Ignazio, Executive Director, DG United Nations and International Organizations, Philippines
- Malek Twal, Ministry of Foreign Affairs, Jordan
- María Ángeles Velloso, Honorary Consul of Spain in Florence, Spain
- Marco Ventura, Professor, University of Siena, Faculty of Law, Italy
- Konstantin Victorovich Shuvalov, Ambassador, Ministry of Foreign Affairs, Russia
- Katja Weigelt, Ministry of Foreign Affairs, Germany
- Setyo Wibowo Agustinus, Professor, STF Driyarkara, Indonesia
- Magda, Zaki, Director Department of the Dialogue among Civilizations, Arab League, Arab League

***PROGRAMME***

Sunday, June 12<sup>th</sup>

--:-- h. Arrival of Delegations and experts

Monday, June 13<sup>th</sup>

09:15 h. Transfer by bus from the hotels to the European University Institute

10:00 h. Official opening of the Conference

- Josep Borrell, European University Institute President
- M<sup>a</sup> Victoria González Román, Ambassador at Large for the Alliance of Civilizations, Spanish Ministry of Foreign Affairs
- Pasquale Ferrara, Head, Policy Planning Unit, Italian Ministry of Foreign Affairs
- Marc Scheuer, Director of the United Nations Alliance of Civilizations Secretariat

11:00 h. Plenary Session

Title: "Religious Freedom: Individual Human Right or Minority Right?"

- Olivier Roy, Head of the Mediterranean Programme, European University Institute, Florence (moderator)
- Deborah Bergamini, Chair of the North-South Centre Executive Council, Council of Europe
- Magda Zaki, Director of the Department of the Dialogue among Civilisations, Arab League
- Fasil Nahoum, Special Advisor to the Prime Minister, Ethiopia
- Asiya Nasir, Member of the National Assembly, Pakistan

Debate

12.30 h. Luncheon (Buffet)

14:30 h. Thematic sessions in simultaneous panels:

Panel 1: International cooperation for the promotion of freedom of religion: human rights and their cultural dimension.

- *Moderator:* Hadi Adanali, Advisor, Ministry of State, Turkey
- *Rapporteur:* Alexander Stummvoll, European University Institute, Florence.

*Segments:*

1.1 Global citizenship, fundamental rights and freedom of religion

*Kick off Speaker:* Denis Huber, Director North-South Center

1.2 How to address the cultural dimension of freedom of religion?

*Kick off Speaker:* Father Samir Khalil Samir, Professor at Political Oriental Institute, Rome

1.3 How to address religious diversity at a global level?

*Kick off Speaker:* Carlos García de Andoín, Deputy Chief of Cabinet of the Minister of the Presidency, Spain

Panel 2: Institutional and political participation for the full respect and exercise of religious freedom

- *Moderator:* Justo Lacunza, Rector Emeritus, PISAI
- *Rapporteur:* Nadia Marzouki, European University Institute, Florence

*Segments:*

2.1 Sharing best practices on religious pluralism and political participation

*Kick off Speaker:* Marco Ventura, Professor, University of Siena, Faculty of Law

2.2 Improving the institutional framework for the respect of freedom of religion

*Kick off Speaker:* Kheloudja Khalfoun, Lawyer in Tizi Ouzou, Algeria

2.3 Freedom of religion and religious pluralism: a central issue in democratic transitional processes

*Kick off Speaker:* Ömür Orhun, Ambassador, Special Envoy of the Organization of the Islamic Conference

Panel 3: Good practices and policies for the respect and promotion of Freedom of Religion and Belief: the social and economic dimensions of religious discrimination

- *Moderator:* Ms. Bience P. Gawanas, Commissioner for Social Affairs, African Union
- *Rapporteur:* Martyn Egan, European University Institute, Florence

*Segments:*

3.1 The social and cultural dimension of religious discrimination

*Kick off Speaker:* Konstantin Victorovich Shuvalov, Ambassador at Large of MFA of Russia, Russian Federation.

3.2 The economic dimension of religious discrimination

*Kick off Speaker:* Bernard Sabella, Associate Professor of Sociology, Bethlehem University

3.3 Best projects, initiatives and policies in education, youth, media and migration against religious discrimination

*Kick off Speaker:* Vice moderator, World Council of Churches, Indonesia

3.4 Mapping key policies and recommendations for the prevention of religious radicalism and intolerance against religious communities. The case of Christian minorities

*Kick off Speaker:* Fadi Daou, President of the Adyan Foundation, Lebanon

16:30 h. Coffee break

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17:00 h. Continuation of panels

18.00 h. Visit of the Roman Theatre of Fiesole

19:30 h. Dinner hosted by the President of the European University Institute at Villa Schifanoia

22:00 h. Transfer by bus to the hotels

Tuesday, June 14<sup>th</sup>

08:45 h. Transfer by bus from the hotels to the European University Institute

09:00 h. Panels wrap-up sessions

10:30 h. Coffee break

11:00 h. Plenary session. Presentation of panel conclusions by panel moderators

Official closing of the Conference with the participation of:

- H.E. Mr. Franco Frattini, Minister of Foreign Affairs of Italy
- H.E. Mrs. Trinidad Jimenez García-Herrera, Minister of Foreign Affairs and Cooperation of Spain
- H.E. Mr. Josep Borrell Fontelles, President of the European University Institute
- Marc Scheuer, Director of the United Nations Alliance of Civilizations Secretariat

12:00 h. Family picture

12:30 h. Luncheon (Buffet)

14.00 h. UNAOC Focal Points meeting on Religious Diversity in preparation of the AOC IV Global Forum of Doha

17.00 h. Transfer by bus to the hotels