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The European Union and Freedom of Religion or Belief: A New Momentum

*Ján Figel**

It is a great pleasure to be here in Provo, Utah, today. This symposium is an excellent opportunity to discuss the changing nature of religious rights under international law, as well as recent political development on both sides of the Atlantic regarding the protection of religious rights. Freedom of religion or belief is today an established human right. Since the Virginia Bill of Rights,¹ it has been enshrined in numerous human rights documents, including the 1948 Universal Declaration of Human Rights² and the 1966 International Covenant on Civil and Political Rights.³ Nevertheless, despite this strong legal basis, many people still struggle to achieve a full protection of their freedom of religion or belief. Thus, it is more important than ever to facilitate genuine legal research and the development of faith-related legal frameworks and concepts, in the broadest sense of the word.

It is clear that rather than promoting specific religious norms or traditions, religious freedom should ensure equal respect for all human beings as holders of profound convictions and faith-based practices. Freedom of religion or belief is a universal right in the strictest sense of the word, as stated by the U.N. Human Rights Committee: “Article 18 protects theistic, non-theistic, and atheistic

* Special Envoy for promotion of freedom of religion or belief outside the EU. The original version of this speech was given at the Twenty-Third International Law and Religion Symposium: Religious Rights in a Pluralistic World, on October 1, 2017.

1. GEORGE MASON, VIRGINIA DECLARATION OF RIGHTS (1776), <https://chnm.gmu.edu/revolution/d/270/> (last visited Nov. 24, 2017).

2. G.A. Res. 217 (III) A, art. 2, Universal Declaration of Human Rights (Dec. 10, 1948).

3. International Covenant on Civil and Political Rights, art. 2, *opened for signature* Dec. 19, 1966, S. TREATY DOC. No. 95-20 (1977), 999 U.N.T.S. 172 (entered into force Mar. 23, 1976).

beliefs, as well as the right not to profess any religion or belief.”⁴ The European Court of Human Rights has developed a similar line of reasoning.

The above clarification can provide answers to objections sometimes raised by some liberals arguing that religious freedom privileges *homo religiosus*. Such clarification is necessary and helpful but not sufficient. Merely rejecting typical misunderstandings does not suffice to win the hearts and minds of the people or foster their active commitment to freedom of religion or belief. In the past, as well as today, many liberals and conservatives strongly supported freedom of religion or belief. These rights have been historically associated with philosophers and authors such as John Locke, Thomas Paine, and Immanuel Kant, to name just a few.

Let’s move from these historical and philosophical roots of freedom of religion or belief to current praxis in the public sphere. I will speak about my European experience. As you certainly know, in the Vatican City on the occasion of the award of the Charlemagne Prize to Pope Francis in May of this year, Jean-Claude Juncker, President of the European Commission, appointed me as the first Special Envoy for the promotion of freedom of religion or belief outside the European Union. I assumed this new role for an initial mandate of one year. I understand that you would like to know more about the scope of my function, as well as my main priorities.

On the occasion of my nomination in May, President Juncker said that freedom of religion or belief is a fundamental right that is part of the foundation of the European Union. The persistent persecution of religious and ethnic minorities makes protecting and promoting this freedom inside and outside the EU all the more essential. The European Parliament supported this endeavor and has called for this initiative in its “Resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called ‘ISIS/Daesh.’”⁵ Given the importance of promoting and protecting freedom of religion or belief outside the EU in the context of the

4. U.N. Human Rights Comm., CCPR Gen. Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), U.N. DOCS. CCPR/C/21/Rev.1/Add.4 (July 30, 1993), <http://www.refworld.org/docid/453883fb22.html>.

5. Resolution on Systematic Mass Murder of Religious Minorities by ISIS, EUR. PARL. DOC. P8_TA(2016)0051 (2016), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2016-0051+0+DOC+PDF+V0//EN>.

EU dialogue and assistance programs with third countries, the Special Envoy reports to the European Commissioner for International Cooperation and Development (currently Neven Mimica).

During my initial one-year mandate, my priority will be to promote practical protection mechanisms for anyone who is persecuted and humanitarian aid for those in need in the most badly-affected areas. I will work together with the European Parliament, the European diplomatic service, the Council representing EU Member States, parliaments of the EU Member States, and our international partners, such as the UN and the Council of Europe, to engage in a permanent dialogue on how the EU can best contribute to the promotion of freedom of religion or belief in the world. There are already several European programs and instruments established to promote human rights in general and freedom of religion in particular, such as the European Instrument for Democracy and Human Rights (EIDHR).⁶ We will develop these programs further. I will also present a report as part of the ongoing dialogue between the European Commission and churches and religious associations or communities, which is led by the First Vice-President of the Commission, Frans Timmermans.

Religious leaders are our key partners not only in our regular dialogue with churches and religious associations or communities under the Treaty on Functioning under EU article 17,⁷ but, also in our daily interactions with third countries. I would like to stress that the commitment to support communities and people in countries and regions that are endangered by violence and destruction is in line with my approach to promoting freedom of religion or belief and is supported by the Resolution of the European Parliament, which requested that EU Humanitarian Aid and Cooperation units fully cooperate in their efforts to work directly with the recognized leaders of targeted ethnic and religious minorities and to include those leaders in their plans for, and in the practical implementation and distribution of, aid, in order to better meet their needs and those

6. Regulation (EU) 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide, 2014 O.J. (L 77) 85.

7. Consolidated Version of the Treaty on the Functioning of the European Union, art. 17, 2012 O.J. (C 326) 47, 55.

of the population in general. Recently, I have received clear support from the religious leaders of countries in the Middle East, as well as from our European partners, to implement this method of cooperation. Furthermore, I will meet patriarchs from Syria this October in Brussels, and I look forward to continuing our cooperation with religious leaders during my missions in the region.

My priority is to work harder for interfaith reconciliation, dialogue, and long-term peace building. These political priorities should be accompanied by concrete and efficient support, particularly in the fields of education, interfaith dialogue, reconstruction, and preservation of cultural heritage, as well as by assistance to refugees wishing to return to their homeland. With this in mind, I would like to stress that we are already, together with the services of the European Commission, preparing missions in some countries such as Iraq and Jordan. Iraq is a strategic country within the Middle East, from whence Abraham, respected by all three monotheistic faiths, was called to accomplish his vocation. This country was, however, wounded by horrific waves of conflicts and wars, and it is our common responsibility to help those who, for centuries, have lived together (often in a fragile state of coexistence and peace) to have the capabilities to restore peace and live again in their communities.

* * *

Being in America, I would like to finish with an interesting historic example of Alexis de Tocqueville, author of *Democracy in America*, first published in 1835. In his famous report of his visit to America during the 1830s, Tocqueville mentions discussions with American Catholic priests who not only praised religious liberty but even clearly appreciated the secular Constitution.⁸ For Tocqueville, such an attitude came as a surprise, as his native French clergymen were completely opposed to a secular Republic, influenced by the French Revolution.⁹ This example illustrates the impact of personal historic experience and the clear advantages of freedom of religion or

8. ALEXIS DE TOCQUEVILLE, *DEMOCRACY IN AMERICA* 339–40 (Henry Reeve trans., Pa. State Univ. 2002) (1835), <http://seas3.elte.hu/coursematerial/LojkoMiklos/Alexis-de-Tocqueville-Democracy-in-America.pdf>.

9. *Id.*

belief for minority populations. Similarly, the experiences of Roman Catholics as a religious minority in America during the latter part of the nineteenth century also had an enormous impact on the Second Vatican Council and the declaration *Dignitatis Humanae*.¹⁰

Today, in a globalized world, there is not a single country where we cannot find religious minorities. One may think of Muslims in Europe, Christians in India or Pakistan, Hindus in Malaysia, or Christians, Yazidi, and Shia Muslims in Iraq. Those who really care for their own religion usually care for the religious freedom of other believers, especially if they suffer harassment, discrimination, or persecution. Practicing solidarity in a credible and sustainable manner also implies opening oneself up to the problems with which other minorities are confronted. Such a dialogue can become an entry point for commitment on behalf of freedom of religion or belief here in the United States, in my native Slovakia, and in other countries of the world.

10. Pope Paul VI, Declaration *Dignitatis Humanae*, VATICAN (Dec. 7, 1965), http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html (endorsing the principle of religious freedom).

