FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

SHARED SPACE OF RELIGION AND HUMAN RIGHTS

Report of high-level expert meeting

Vienna, 12 – 13 September 2017

European Union Agency for Fundamental Rights

More information on the European Union on the internet (http://europa.eu).

Luxembourg: Publications Office of the European Union, 2017

FRA – print: ISBN 978-92-9491-921-2 doi:10.2811/275636 TK-05-17-254-EN-C
FRA - web: ISBN 978-92-9491-920-5 doi:10.2811/058789 TK-06-17-254-EN-N

Printed by the Publications Office in Luxembourg

PRINTED ON PROCESS CHLORINE-FREE RECYCLED PAPER (PCF)

Contents

Introduction

> "There is a need to develop a language that transcends differences between religion and human rights."

Religious scholars, clerics, representatives of religious communities and human rights experts explored the shared space of religion and human rights at a high-level expert meeting organised by the European Union's independent centre for fundamental rights excellence, the EU Agency for Fundamental Rights (FRA). In their discussions, they sought to identify the untapped potential for joint action and cooperation between those motivated by religion and those motivated by human rights to create fair and just societies. Participants explored the following issues:

- the commonalities between religion and human rights;
- how religion can inspire action to promote human rights;
- how to forge alliances between religiously inspired actors and human rights actors;
- how human rights actors can support and reach out to religious communities;
- how to engage the potential for human rights action of those motivated by religion most effectively;
- how to improve co-operation between religious communities on specific human rights issues;
- how to overcome obstacles to joint action in the area of religion and human rights;
- how to create a communicative space between religion and human rights;
- the role of FRA in promoting and supporting the cooperation of religious and human rights communities in the EU.

FRA organised this high-level expert meeting in Vienna on 12-13 September 2017, bringing together participants and written contributions from different EU Member States and perspectives. These included religious scholars, clerics, human rights academics, representatives of religious communities and religiously inspired human rights actors, representatives of civil society organisations (CSOs) and officials from the European Commission and the United Nations (UN). It is important to note that participants did not always agree with each other or come to the same conclusions.

A FRA staff background paper on the topic of shared space of religion and human rights informed the expert meeting, parts of which are highlighted in grey coloured boxes within this report. Selected findings on Muslims' experiences of discrimination from the Second European Union Minorities and Discrimination Survey (EU-MIDIS II)[1] were also presented and discussed with participants. The discussions took place in the Chatham House format, so individual comments by participants are not attributed.

[1] See the selected findings.

This report distils the discussions among participants and concludes with the action points that emerged, including on the possible role of FRA in the shared space of religion and human rights. It distinguishes throughout between the human rights community and religious communities/the religious sphere, and human rights actors and religious actors. These are, however, only rough-and-ready distinctions. They reflect a world in which people motivated by a human rights vision and people motivated by religion often diverge and are sometimes at odds over specific ethical issues.

There are, nevertheless, human rights activists whose activism is based on religious conviction. Moreover, some of the core concepts in human rights discourse can be found, *mutatis mutandis*, in the scriptures and the teachings of various religions. The existence of this overlap was an integral part of the discussions at the expert meeting, and it is reflected at various points in the report.

Religion in Europe

Over the centuries, differences relating to religion have been a source of tension, conflict and war in Europe. As some of these wars ended, determining how to treat the religion of the people in conquered (or regained) territories became a matter of inter-state concern. In 1648, the Peace of Westphalia, which ended the 30-year religious wars in Europe, established the principle of national sovereignty, and gave each ruler the right to determine the religion of his own state. Subsequently, the 1878 Treaty of Berlin guaranteed non-discrimination in civil and political rights for religious minorities, including freedom of worship. Minority treaties that emerged after World War I sought to protect specific minority groups including their right to the free exercise of religion. These pacts focused on states, not individuals, and the principal aim of the treaties was conflict avoidance and political stability. The treaties assured certain protections for minority groups, but individuals could not directly challenge them through national courts. [2]

With the adoption of the Universal Declaration of Human Rights (UDHR) in 1948 by the United Nations, there was recognition and endorsement of a universal, individual right to freedom of religion for every person. Since then, other human rights treaties and instruments have guaranteed an individual right to freedom of thought, conscience and religion, along with wide assurances of non-discrimination in other areas of life. These include the International Covenant on Civil and Political Rights (ICCPR),[3] the European Convention on Human Rights (ECHR)[4] and the EU Charter of Fundamental Rights.[5]

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2 Felice Gaer (2009), "Religious Freedom", in *Encyclopedia of Human Rights*, Ed. David P. Forsythe, Oxford University Press, Vol. 4, pp. 323-3.24.

3 UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, Vol. 999.

4 Council of Europe (1950) *European Convention of Human Rights*, Rome, 4 November 1950.

5 European Union, *Charter of Fundamental Rights of the European Union*, 26 October 2012, 2012/C 326/02.

A range of social processes, such as the rise of new religions and the revival of others, significant migration flows between European states and from outside Europe are changing the religious landscape of the EU and individual Member States.[6] In spite of the perceived secularisation of Europe, the 2012 Eurobarometer statistics on religiosity indicate that the majority of European citizens feels an affiliation to a religion or faith. Religion has long been a part of human lives and society. It provides a set of values by which many individuals and communities govern themselves.

At EU level, this is recognised in the Treaty on the Functioning of the European Union. The Treaty mandates a regular dialogue between the European Union and churches, religious associations and communities, as well as philosophical and non-confessional organisations.[7] It was established in the beginning of the 1990s by the then EU Commission President Jacques Delors and offers an opportunity to engage in the European policymaking process. Currently, the dialogue is under the responsibility of First Vice President Frans Timmermans. Meanwhile, the European Parliament conducts its dialogue under the responsibility of First Vice President Mairead McGuinness.

From clashes to shared values and principles

> *"Globalisation has created profound anxieties and fears that are often exploited for narrow political agendas that find tribalism. The antidote of tribalism requires the values of empathy and solidarity that are expressed in the universal vision of both religions and Human rights."*
>
> UN Special Rapporteur Ahmed Shaheed

As noted in a background paper presented at the meeting, much of the focus of the contemporary debate about religion and human rights in Europe (and beyond) is on the 'clashes' between 'religion' and 'human rights' or on the likelihood of conflict based on religious difference. Contemporary clashes between religion and human rights have included conflicts over displaying or wearing religious symbols (in public life, in schools) and/or requests for exemptions from non-discrimination laws (for example, regarding hiring practices or whether civil servants perform same-sex marriages; or with regard to prescribing or using birth control).

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6 For an overview of global trends, see The Changing Global Religious Landscape.

7 Article 17 of the Treaty on the Functioning of the European Union (TFEU) specifies that:
"1. The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States. [For more information on this dialogue, see Dialogue of the EU institutions with religious and non-confessional organisations.]
2. The Union equally respects the status under national law of philosophical and non-confessional organisations.
3. Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations."

The background paper also noted that there are many commonalities of diverse religious and human rights groups, namely shared origins, values and goals, which bring these two communities together. In this context, some participants argued that building bridges between 'religion' and 'human rights' is much needed. One such example is the current campaign of the UN High Commissioner for Human Rights calling on everyone to "[s]tand up for someone's human rights." This mirrors the 'Golden Rule' common to so many religions: "[d]o unto others as you would have them do unto you".

> "From a human rights perspective, some religions are based more on an ancient jurisprudence, whereas others have explicitly incorporated the language of rights. These are very long-term developments, which should be approached in a differentiated manner."

Furthermore, the background paper pointed out that there were many examples of religious writings throughout history that closely resemble, in substance if not in form, human rights discourse, and concepts of universality and pluralism.

From a faith perspective, a theologian argued, the case for adopting a human rights approach can be made by appealing to values and showing how ethical claims follow from certain key concepts. A plurality of different movements exists within religions, with much attention given to issues such as justice. Some participants noted that, to identify common values and common ground with human rights, debates need to take place not just between religious actors and human rights actors, but also within religions.

Shared values

Religion and the international human rights framework

There are many shared concepts between religion and human rights. The drafter of the 1948 Universal Declaration of Human Rights (UDHR), René Samuel Cassin, Nobel Peace Prize Laureate, went so far as to embed religious values in the concept of human rights. Cassin was a French jurist and judge, who fled fascism. Article 1 of the UDHR begins with the injunction that "[we] should act towards one another in a spirit of brotherhood". This, he explained, corresponds to two iconic biblical injunctions: "[l]ove thy neighbour as thyself", and "[y]ou shall not oppress a stranger, for you once were strangers". Another example of this is the so-called 'Golden Rule': the idea that one should treat others as one would like to be treated oneself.[8] Indeed, taking the EU Charter of Fundamental Rights as a basis, it is possible to find values shared with many different religious traditions. The background paper noted a number of these, which are outlined below.

[8] For examples in a range of religions, see e.g. Jeffrey Wattles (1987), *Levels of Meaning in the Golden Rule*, Journal of Religious Ethics, p. 106.

Christianity

> "Resolving clashes within one religion may be as important as those between 'religion' *per se* and 'human rights.' Determining how to transform such clashes within religions is not merely a theoretical issue – it can lead to changing the conversation altogether."

The concept of human dignity (*dignitas humanae substantiae)* appeared as early as the Christmas Oration. This contained the earliest collection of prayers in the Western church, namely those in the *Sacramentarium Leonianum*, and was included in the Oration in the Holy Mass to be spoken after the offering.[9] Catholicism features the idea of 'natural law'. In the 13th century, St. Thomas Aquinas listed what everyone is entitled to in a commonwealth under God, e.g. a right not to be killed, physically harmed by another private person, subjected to loss or damage of property, or falsely accused. [10] In the 16th century, Francisco de Vitoria and Bartolomé de las Casas protested the treatment of indigenous Americans based on what they argued were their 'natural rights' to life, freedom, property and culture.[11] In the 17th century Dutch Republic, Grotius argued for both the individual freedom of conscience, and the collective right to freedom of religion.[12]

Judaism

Rabbi David Rosen has pointed out that "Maimonides rules on the basis of the Talmud that "[w]e are obliged to maintain the poor of idolaters, attend to their sick and bury their dead, as we do with those of our own community, for the sake of the ways of peace."[13] He emphasises that this obligation flows from the idea of *Imitatio Dei* (i.e., emulating the Divine Attributes) relating it to conduct towards "the other". In effect, it clarifies that respecting and protecting human rights is [a] Divine imperative."[14]

Islam

Muslim scholars have affirmed that Qur'anic values of 'justice' 'mercy and 'goodness' are also apparent. The concept of love and respect is present in several traditions of Prophet Muhammad: "[y]ou will not enter paradise until you believe, and you will not believe until you love one another".[15] Furthermore, He said: "[n]o [unprovoked] harm is allowed, neither is [provoked] harm".[16]

On one occasion, Prophet Muhammad said: "[b]e merciful to those on the earth and the One above the heavens will have mercy upon you."[17] Additionally, "[b]e merciful to others and you will receive mercy. Forgive others and Allah will forgive you."[18]

Hinduism, Buddhism and Jainism

All three religions share the concept of nonviolence (in classical Sanskrit, *Ahimsa*). The *Chāndogya Upaniṣad*, dated to the 8th or 7th century BCE, one of the oldest Upanishads, has the earliest evidence for the use of the word *Ahimsa*.[19] The word refers to nonviolence, and it applies to all living beings—including animals—in ancient Indian religions. It implies the total avoidance of harming of any kind of living creatures not only by deeds, but also by words and in thoughts. The concept was famously one of the ideological roots of the Indian independence movement. To this date, it also underpins widely followed traditions of religiously inspired vegetarianism in Hinduism, Buddhism and Jainism.

Shared values: religion and the EU Charter of Fundamental Rights

Human dignity

Title I of the Charter outlines the notion of 'human dignity' in a series of rights.[20] As noted in the background paper, this concept is also contained in many religions. Judaism, for example, stipulates that "[m]an has dignity because his creation is derived from his creation in the image of God".[21] Catholicism also recognises human dignity as a key value; as noted in its key declaration in religious freedom, "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".[22] As the Templeton Prize Laureate Tomáš Halík recently put it, "to believe in God the Father who created all people in his own image is to commit oneself to respect the dignity of every human person and his or her fundamental rights."[23] In Hinduism, every human being (and actually every living being) shares a divine spark (*Atman*) with the divine (*Brahman*).

Freedoms

Title II of the Charter outlines a range of freedoms.[24] Freedom is also a value recognised in many of the world's religions. A number of examples were noted in the background paper.

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9 Traer, R. (1991), *Faith in Human Rights: Support in Religious Traditions for a Global Struggle*, Washington, DC: Georgetown University Press.

10 Van der Ven, J. (2012), *The religious scope of human rights*, in: Orthodox Christianity and Human Rights, Eastern Christian Studies 13, Leuven- Paris- Walpole, MA. p. 20.

11 *Ibid.*

12 *Ibid.*

13 Rabbi David Rosen (2009), *Democracy, Rule of Law and Human Rights in Judaism*, and the sources cited there.

14 *Ibid.*

15 Muhammad Ali Alkhuli (1984), *Traditions of Prophet Muhammad*, Dar Alfalah (2000). p. 93.

16 Al-Imam Al-Nawawi, *Forty Hadiths*, Hadith 32, p.128.

17 A-Tirmidhi, *Sunan Al-Tirmindhi*, Hadith No. 1924

18 Ibn Hanbal, Ahmad, *Musnad Ahmad*, Hadith No. 7001

19 Unto Tähtinen (1964), *Non-violence as an Ethical Principle*, Turun Yliopisto, Finland, PhD Thesis, pp. 2-5.

20 Human dignity constitutes both Title I of the Charter and its first Article, which states that "[h]uman dignity is inviolable. It must be respected and protected."

21 Barak, A. (2015), *Human Dignity*, Cambridge University Press, Cambridge p. 19, and the sources cited there.

22 Pope Paul VI (1965) Declaration on Religious Freedom *Dignitatis Humanae*, on the Right of the Person and of Communities to Social and Civil Freedom in Matters Religious.

23 Tomáš Halík speaks on the Big Questions (full version), Templeton Prize 2014.

24 Specifically, it covers the Right to liberty and security; respect for private and family life; protection of personal data; the right to marry and right to found a family; the freedom of thought, conscience and religion; the freedom of expression and information; the freedom of assembly and of association; the freedom of the arts and sciences; the right to education; the freedom to choose an occupation and right to engage in work; the freedom to conduct a business; the right to

In Catholicism, for example, freedom is "the power, rooted in reason and will, to act or not to act, to do this or that, and so to perform deliberate actions on one's own responsibility. By free will, one shapes one's own life. Human freedom is a force for growth and maturity in truth and goodness; it attains its perfection when directed toward God, our beatitude."[25] Indian religious traditions affirm religious pluralism and, thus, underpin the freedom of religion. The Buddhist Emperor Asoka of the Maurya dynasty ruled between around 317 to around 297 BCE. In his rock edicts, he promulgated some of the earliest references to Buddhist views on religious pluralism in a political sense. He stated that all religions should reside everywhere, for all of them desire self-control and purity of heart and affirmed that contact (between religions) is good. One should listen to and respect the doctrines professed by others. The king desires that all should be well learned in the good doctrines of other religions.[26] Religious pluralism also has strong roots in Hinduism. A well-known Rig Vedic hymn says: "[t]ruth is one, though the sages know it variously". Similarly, in the *Bhagavad Gītā* (4:11), Krishna states: "[a]s people approach me, so I receive them. All paths lead to me".

Equality

Title III of the Charter outlines the principle of equality.[27] The background paper noted that this is a common value across different religions. For example, in the Bahá'í Faith, it is said that "[t]he truth is that God has endowed all humankind with intelligence and perception and has confirmed all as His servants and children; therefore, in the plan and estimate of God there is no distinction between male or female".[28] There have been many efforts to combine modern notions of rights with Hindu notions of rights and duties. Rammohan Roy, founder of the Brahmo Samaj movement, advocated equality for all persons, regardless of caste or sex, on the basis that all humans are God's creatures. Vivekananda, leader of the Ramakrishna movement, supported equality based on *Vedanta* thought.

property;the right to asylum and the right to protection in the event of removal, expulsion or extradition.

25 Catholic Church (1731), *Catechism of the Catholic Church*, Part Three: Life in Christ.

26 Ven. S. Dhammika, The Edicts of King Ashoka, "14 rock edicts", edicts 7 and 12.

27 Equality constitutes Title III of the EU Charter of Fundamental Rights, which covers equality before the law, non-discrimination, cultural, religious and linguistic diversity, equality between men and women, the rights of the child, the rights of the elderly, and integration of persons with disabilities.

28 Abdu'l-Bahá, *The Promulgation of Universal Peace*, Bahá'í Reference Library.

Solidarity

Title IV of the Charter deals with rights based on the principle of solidarity.[29] As the background paper pointed out, notions of solidarity and compassion can also be found in a range of religions. Luther wrote that "as our heavenly Father has in Christ freely come to our aid, we also ought freely to help our neighbour through our body and works, and each should become as it were a Christ to the Other that we may be Christs to one another and Christ may be the same in all, that is, we may be truly Christian".[30] The evangelical writer Carl Henry has argued that "[t]he theological basis for evangelical involvement in public justice is located in God's creation-ethic and his universal revelation including the *imago Dei* that, however sullied, nonetheless survives the Fall [...]. Social responsibility is not a responsibility that devolves one-sidedly on Christians [...]. Responsibility for justice in the social order is as universal as the human race. Social justice is due from all persons to all persons".[31] In Buddhism, the four divine abidings (*Brahmaviharas*) are seen as central virtues and intentions in Buddhist ethics, psychology and meditation. The four divine abidings are good will, compassion, empathetic joy, and equanimity. Developing these virtues through meditation and right action promotes happiness, generates good merit and trains the mind for ethical action.

Justice

Title VI of the Charter elaborates on the principle of justice. Many examples of this concept in holy texts may be cited, as noted in the background paper. Judaism has a long history of reflection on justice in social and political affairs. The Hebrew scriptures emphasise again and again that God seeks justice and is himself just.[32] In Islam, the Qur'an states: "[s]tand out firmly for justice, as witnesses to Allah, even if it be against yourselves, your parents, and your relatives, or whether it is against the rich or the poor..."[33] The Qur'an also states: "be persistently standing firm for Allah as witnesses in justice, and do not let the hatred of a people prevent you from being just."[34] Prophet Muhammad said: "[v]erily, the most beloved of people to Allah on the Day of Resurrection and the nearest to Him will be the just leader." [35]

> "We should identify key actors who have the authority to use certain religious terms, and talk about shared notions such as generosity, solidarity, brotherhood and forgiveness, beyond the more general concept of dignity and beyond the concept of individuality."

A range of other religious notions and doctrines are also of relevance to human rights, such as morality, charity, and compassion.

Other parallels between religion and human rights

There are many examples of what would later come to be described as specific human rights in religious doctrine. The background paper noted a number of these parallels. One way of looking at the duties, or commandments, contained in many religions is to see one person's duty as another person's right. For example, one person's religious duty not to kill, steal, or bear false witness is another person's right to life, property and reputation,

as they are now protected by human rights law.[36] These shared values and principles show that there is potential to overcome essentialist arguments put forward by human rights groups and others that religion cannot embrace human rights without relinquishing core tenets. At the same time, the common basis in principles allows a dialogue on the universality of human rights.

Judaism

Inspiration for the principle of non-discrimination and aid to refugees can be found in the book of Exodus, where God states that "[y]ou shall not oppress a stranger, for you know what it feels like to be a stranger, since strangers is what you were in the land of Egypt."[37] The concept of inalienable human dignity is also understood in Judaism as giving every person the privilege against self-incrimination and the legal right of presumption of trustworthiness; this even applies to one who has been punished as a result of having been found guilty of an offense.[38]

Islam

The Qur'anic words "there is no coercion in religion" (Q.2:256) have been re-interpreted by some in the modern era as the basis in Islam for the modern-day freedom of religion. Islamic religious doctrine recognises that certain rights may never be infringed, no matter the relationship between the individuals in question: for example the right to life, to physical integrity and the right to practice one's religion.[39] This closely resembles modern day absolute prohibitions of violations of the right to life, freedom from torture and ill-treatment, and the freedom of conscience.

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29 Specifically, it covers workers' right to information and consultation within the undertaking; the right of collective bargaining and action; the right of access to placement services; protection in the event of unjustified dismissal; fair and just working conditions; the prohibition of child labour and protection of young people at work; family and professional life; social security and social assistance; healthcare; access to services of general economic interest; environmental protection and consumer protection.

30 Luther, *Commentary*, in *Works*, 26:309.

31 David L. Weeks (1998), *Carl F.H. Henry's moral arguments for evangelical political activism*, Journal of Church and State, Vol. 40, Issue 1.

32 Berkley Centre for religion peace and world affairs, *Judaism on Justice and Injustice* Georgetown University.

33 Qur'an 4:135.

34 Qur'an 5:8.

35 Al-Thirmidhi, *Sunan Al-Tirmidhi*, Hadith No. 1329.

36 John Witte Jr. in *Human Rights and the Impact of Religion* (Johannes A. van der Ven & and Hans-Georg Ziebertz, eds), Brill, Leiden 2013, p. 23.

37 Jocelyne Cesari (2013), *Why Give? Religious Roots of Charity. Islam: The Many Reasons for Charity*, Harvard Divinity School.

38 Rabbi David Rosen (2009), *Democracy, Rule of Law and Human Rights in Judaism*, and the sources cited there.

39 John Witte Jr. (2013), *Human Rights and the Impact of Religion*. Ed. Johannes A. van der Ven, Radboud University Nijmegen, and Hans-Georg Ziebertz, University of Würzburg, p. 78.

Christianity

In Protestantism and Catholicism, it has been argued that if God gives due process in judging all individuals equally, all individuals should give due process in judging others as their equals, which supports the notion of the right to a fair trial.[40] Protestants may defend liberty of conscience on theological grounds, based on the absolute sovereignty of God, whose 'relationship with his children' cannot be trespassed.[41]

"Religion can reach down to an individual's deepest convictions, and can help people discover a shared ethics and a shared humanity."

How to work together

> *"Collaboration between faith communities and the Human Rights movement, while not new, is clearly very important at this time. Data gathered by the Pew research centre shows that intolerance based on religion or belief is rising globally. Violence in the name of religion and collective manifestations of this hatred in the form of antisemitism, anti-Muslim bigotry and hate crimes and attacks on humanists are increasing. Addressing these challenges requires-amongst other measures-building bridges and greater engagement amongst various communities within a framework that respects human rights."*
>
> UN Special Rapporteur Ahmed Shaheed

The search for 'shared space' between religion and human rights necessarily extends beyond the human rights guarantee of freedom of thought, conscience, religion and belief. Bringing the two communities together requires doing more than instrumentalising religious groups for the benefit of human rights (i.e., as one participant put it, "You can't just add religion and stir"). Instead, it is important not only to identify common principles and goals, but also projects that put these into practice.

It is useful to recall that religion and human rights have often combined to inspire individuals to engage in social and political activism, as discussed in the background paper. Examples include religious anti-slavery protests in the 19th century, the religiously inspired Indian independence movement under Mahatma Gandhi, recovery from the Holocaust, and the civil rights activism of the Rev. Dr Martin Luther King. From the struggle against apartheid to the often-clandestine space for discussion offered in churches in the former Communist Bloc, religion has spurred and aided human rights action for many years. Individuals and non-governmental organisations inspired by religion, from the

"Religions work on human rights, sometimes without necessarily stating it, for example by working on poverty alleviation."

[40] John Witte Jr. (2013), *Human Rights and the Impact of Religion*. Ed. Johannes A. van der Ven, Radboud University Nijmegen, and Hans-Georg Ziebertz, University of Würzburg p. 9.

[41] *Ibid*., p. 22-23.

grassroots level to the national and European level, work every day to promote human rights, sometimes without necessarily using human rights language.

Practical solutions

The background paper noted that religiously inspired individuals and organisations engage in many charitable, medical and educational activities, such as offering shelters for the homeless; running religious hospitals, and setting up religious schools. Religion can form an inspiration to act for the benefit of society both in a personal way-directly helping those in need, giving 'church asylum' or helping refugees in the Mediterranean-and through the medium of politics, for example by influencing the state through participation in religious political parties or non-governmental organisations.

As the UN Special Rapporteur on the Situation of Human Rights Defenders recently pointed out, co-operation between human rights defenders and religious leaders can often take very practical forms: "[d]efenders often seek support from local religious leaders to gain legitimacy for their activities and to underscore the compatibility of human rights with religious beliefs. The support of religious leaders can often facilitate access for defenders to communities, including marginalised groups within those communities. Religious groups can also shield defenders at risk by providing sanctuary and making otherwise marginalised individuals more visible and accepted by the community."[42]

> "There is a wide variety and diversity not just between, but within various religious and faith traditions."

The challenge is how to work together to uphold those human rights. How can one find the common or shared space? Religion motivates and legitimises concerns. Human rights organisations offer a methodology of monitoring and reporting on violations of rights, and developing preventive and protective strategies including legal norms to protect people. These methods need to be better understood. So that more shared space dialogues are created, EU action will need to fully involve religious actors. Questions need to be asked about how religion relates to human rights, including the global justice movement. There are not only rights but also duties. A frank conversation could be convened about how religious actors view the matter of duties, which has been a source of controversy. This conversation could also include how human rights actors' views on rights may be perceived by religious actors. The difficulties are manifold. For one thing, there is no unified 'religious' approach to human rights, not even within a given religion.

[42] UN General Assembly HRC (2016), Report of the Special Rapporteur on the situation of human rights defenders, A/HRC/31/55, para. 86.

Theoretical debate

One participant pointed out, for example, that in the Muslim world there are many diverse views: some people welcome concern with human rights across the board, while others will do everything possible to obstruct certain human rights. Moreover, even when they are actively promoting human rights, religious actors might not want to share the same space fully with secular advocates. On certain issues they might be reluctant to use rights terminology at all. This can arise from a difference in approach to the basis on which human rights are conceived or derived. During the Enlightenment, 'the rights of man' were grounded in 'reason'. Typically, reason was contrasted with 'religion' or 'faith', which was often dismissed as 'irrational'. For some people motivated by religious faith, this means that 'reason' or 'rationality' carries a negative charge; and when secular advocates argue that rights are based on reason, this negative charge can be transferred to the terminology of rights. Thus, the very words 'religion' and 'reason' are loaded, and this can complicate the quest for a space that can be shared by faith-motivated actors and secular actors.

"Religions should not be seen as static; religions also transform over time, and this requires those with a commitment to human rights to engage in religion-internal debates."

Even within a given religious tradition, there can be differences of approach to the status of 'reason' or 'rationality' and its relevance to the principle of fundamental rights. By the same token, there are some activists who claim that the human rights vision constitutes a 'secular faith', a view that was seen by many meeting participants as a mistaken understanding of human rights discourse. When the two communities (religion and human rights) meet, the combination of these internal differences within each community and the clash of views between them can lead to misunderstanding or worse, causing irritation and resentment on one side or the other.

"There are positive and negative connotations to the notion of 'secular(ism)' some religious people perceive it as hostility towards religion, but the European Court of Human Rights uses it as a model in its jurisprudence."

Human rights actors are often 'uncomfortable' talking about certain basic religious precepts, such as the origin of life. The goal should be to find topics that can be addressed inclusively and fully by all individuals – whether motivated by religion or human rights, or both.

"It is important, in order to integrate religion and human rights, that religious individuals should not be 'judged' by those who are not religious. Multiple grounds for a passion for human rights should be accepted and embraced as legitimate. Equally, religious individuals should also recognise multiple inspirations for human rights work."

In some cases, people may be associated with a religious community but not see themselves as motivated by 'faith.' If one is not formally a member of a religious community, he or she may still identify with the religious group. Human rights groups might find it more complicated to engage such persons than to work with those clearly motivated by faith.

In order to build on the fact that religion and human rights stand close together, some meeting participants considered it important that religious individuals should not be 'judged' by those who are not religious. Multiple grounds for a person's passion for human rights (religious, anti-authoritarian, etc.) should be accepted and embraced as legitimate. Equally, religious individuals should also recognise multiple inspirations for human rights work – and the fact that different actors will prioritise some rights over others. Where two sets of actors share objectives that are largely congruent, there is a basis for working together. This is normal practice in a coalition; it would be wrong to say, in such a case, that one set of actors is 'manipulating' another. Not everyone works on every issue, nor do they need to do so to be credible and effective. Some will focus on local issues, and others on co-operative work, and others will not. Equally, some religious individuals will work on human rights as part of a religious community, and others will do so individually.

"It is perhaps inevitable that religious people will focus on some rights over others; this should be accepted. Not everyone works on every issue, and others will take care of work on other human rights issues. Equally, some will focus on local issues, and others on co-operative work, and others will not."

Human rights advocates who tend to approach broad social and economic rights issues from the top-down need to think carefully about whether that is the most effective and appropriate strategy for working with religious activists, given the latter's tendency to focus from the bottom-up. In this connection, it is important to recall Eleanor Roosevelt's famous speech decrying human rights violations "close to home" and calling for citizen action to prevent them.[43] A focus on local dimensions of human rights is likely to be more relevant and real to people at the local level, than might be the case for international institutions which are often viewed as elitist and remote. Religiously-motivated groups can deliver contact with people at the local level in ways that the FRA can't accomplish on its own. Faith still can 'speak in the village' in a way that human rights cannot. Religion may offer its own distinct 'system of insight.'

"Identity is formed of many aspects of a person, not just the religious, but will also include their heritage, culture and other aspects. People should be accepted to the full extent of their identity, not as 'religious' or 'not religious'. The differences between individuals are not binary and aspects of identity overlap."

Finding common ground

The search for shared space is not a search for new religious affiliations. While human rights law includes the right to adopt or change religions, this would not normally be a part of the search for collaborative efforts to make human rights protections in Europe 'come alive.' Tensions around this issue remain heightened in Europe. Indeed, religious conversion is still a sensitive issue worldwide. In these collaborative efforts, no pressure to convert should be applied or encouraged. Human rights actors should be more active in promoting freedom of religion and belief as a human rights concern, and not treating it as

43 "*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*" ('The Great Question', New York, March 27, 1958).

a subsidiary topic. Although some might think that human rights and religious groups would be natural allies, this is not always the case in practice. There are serious areas of difference: religion can be a positive motivator (for example, helping refugees) or a negative one (sanctioning physical assault on individuals who cause offence).

There is also often a difference between how religious communities behave when they are in the majority or the minority. In the majority, they often have great political influence and seek to use it, sometimes to the detriment of those in the minority. It is also important to be aware of debates about the separation of church and state. In human rights discourse, freedom of religion should be promoted as an individual right, part of universal, interdependent and interrelated human rights. It is important to keep in mind that freedom of thought and conscience is absolute – unlimited – whereas manifestations of religion or belief may indeed be limited under human rights norms.

"Religion and religious communities should be involved at all levels of local government and religion embedded in local decision/policy-making; this helps create harmonious communities."

There is a need to work to identify the issues that diverse actors can agree upon. It is important to try to find allies for cooperation, keeping in mind an idea that one participant referred to being used by a civil liberties NGO: 'there are no permanent enemies.' For example, the efforts of some Evangelical groups on eradicating sexual slavery and trafficking in persons was a positive contribution to human rights protection. Similarly, human rights groups have been able to work effectively on migration with the Catholic Church or the Church of Jesus Christ of Latter-day Saints. In the quest for allies and cooperation, it is better to stick to areas of agreement than to try to sort out areas of disagreement. The latter might never happen. Yet, there are indeed some irreconcilable differences with organisations advocating violence against others, or trying to destroy the rights of others, including women and/or minorities. Liaisons with such groups should be avoided.

"Religion can reach not only the local dimension, but the family and community level as well."

Bringing religious actors to the table

If collaborative efforts are to succeed, trust must be established. A good way to do this is to take up joint action on concrete issues as described above. But whatever cooperative efforts are launched, they can be strengthened by having a separate space in which to discuss the assumptions and religious concepts behind the positions various actors may take in the policy debate.

In crisis situations and in making peace, human rights actors should recognise that religious organisations/communities have certain networking advantages due to their local and global presence. It is therefore important for human rights actors to invite religions into the design of human rights projects early on and try to select the right projects. If the goal is social change, both religious groups and human rights groups need to reach out to make

alliances with different actors at different times. One participant suggested establishing a continuing conversation on the issues raised at this meeting – perhaps calling it the "Vienna Faith & Cooperation Process."

"Religious representatives need to be included in human rights bodies, and those bodies must become known to everyone, including religious communities. (…) In order to "invite people to the table" people must know that there is a table."

There is a concern here as to who can speak for a given 'religions' and who has the authority to use certain religious terms, such as generosity, brotherhood, or forgiveness. While the answer is simple for hierarchical religious communities, it varies for others. In non-hierarchical religions, there are opportunities for a wide variety of religiously-motivated individuals to interpret goals and needed activities, if not completely authoritatively. However, are outsiders appropriate spokespersons for other religions? For example, are we comfortable with the idea that a Christian political leader of the UK can validly describe Islamic concepts? There is a real risk of losing legitimacy in this arena if the wrong actors are involved in the coalitions.

Future collaboration between religious actors and human rights actors should focus on enhancing regular communication, finding common language, and conducting a number of targeted educational efforts – especially for high-level members of parliaments, religious officials, teachers, parents, media and new migrants including refugees. Additionally, specialised efforts should be made to work with police on finding 'understandable language' with which to communicate about human rights.

"It is important to have a separate space for discussing the assumptions and religious concepts behind certain positions taken in the EU policy context by religious and non-religious organisations"

Bringing unrepresented religious communities into the dialogue was also encouraged. In addition, any follow up to the meeting might try to focus more intensely and systematically on service-based organisations.

One participant disagreed with the claim that human rights experts need to convince religious groups to engage with human rights and argued instead that the onus is on the religious groups to decide whether or not to engage. The problem is that many of the international institutions in human rights are 'elitist' and people do not know how to access them: people that FRA and other human rights entities would like to 'invite to the table' may not even know there is a table for engagement. To illustrate this, the participant described how members of a Jewish religious community wanted to use human rights mechanisms, and didn't know how to access them, but reached out to a human rights lawyer to learn. Such teaching is a role that could be expanded and deepened in the quest to find shared space. Human rights experts need to be available to clarify the human rights procedures available to members of religious communities wishing to invoke them.

Similarly, religious and non-religious organisations should be 'brought to the table' in EU meetings as a matter of course, as is already done in the framework of the Article 17

dialogue.[44] Under Article 17 of the Treaty on the Functioning of the European Union (TFEU), European institutions consult annually with religious and non-confessional organisations on topics on the European agenda and agreed to by both parties. This process should include a human rights and shared values component. The recent State of the Union speech by President Juncker also refers to the importance of a Union of values.[45] FRA could map whether rights issues have been discussed already and what they reveal, and what else should be the focus on these sessions. It was also noted that there is a need to form coalitions around particular issues, but that at the same time, as noted above, there is a risk of delegitimisation if actors advocating violence or the destruction of the rights of others are involved in those coalitions.

Human rights framing, language, terminology

The language of human rights is very powerful, transcending many of the differences between actors motivated by religion and those active in human rights. However, it is all too easy to misuse this language and to confuse concepts and end up lost in translation because of overuse of jargon. For example, charity and humanitarian aid are not the same as human rights. If there is a human right, there is also an obligation established. It is important to use the correct language to describe common aims and campaigns. What, for example, is meant by the term 'rule of law'? Not everyone understands it, especially if they are originally from an autocratic country. But everyone would understand the concept of justice and accountability.

"Religion is viewed by human rights actors as a straitjacket: either as victim or as an oppressor. Religion portrayed in this manner is not part of the discourse on human rights. Let's break these barriers!"

Human rights language can be misused deliberately. One participant pointed out that human rights language has often been replaced by references to 'interreligious dialogue' by state negotiators. Generally, the terms 'inter-religious dialogue' and 'tolerance' should be used cautiously in any human rights context. Both inter-religious dialogue and tolerance can help protect rights, but neither is a substitute for human rights. In some cases, there can be deliberate distortion of human rights language "to violate the human rights of others."[46]

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44 For more information, see European Commission (2017), Dialogue with churches, religious associations or communities and philosophical and non-confessional organisations. See also European Commission (2017) Future of Europe: Commission brings together religious leaders to discuss a value-based and effective Union.

45 President Jean-Claude Juncker (2017), *State of the Union 2017 - Cybersecurity: Commission scales up EU's response to cyber-attacks*, European Commission, Brussels.

46 One participant at the FRA meeting cited Neve Gordon's book, *The Human Rights to Dominate* by Nicola Perugini and Neve Gordon, which explores misappropriation of human rights discourses by right-wing actors seeking to violate human rights.

It is important not to employ terms that reinforce division: even the terms 'religious community' and 'human rights community' may create such divisions from the outset. Some might argue that the focus should be on what is 'constructive' about an individual's motivation and not on potentially divisive aspects, including trying to define the precise 'religious motivation.'

"There is a need to transit from your own discourse to that of others, as communicative action theory, spelled out by Jürgen Habermas suggests; the secular also have to be interested in the religious."

From a rights perspective, it would be inappropriate to suggest that religion itself is the object of human rights protection – human rights law protects individuals and communities of individuals, and it is therefore better to talk about respect for an individual's (or a group's) right to make their own decisions about religion.

"Religion is a **powerful motivating force**. Religious groups can be a perfect multiplier, and human rights groups should engage with them that way, and not treat religion as the enemy."

In addition, it was noted that 'faith' is not the same as 'religion' from a theological perspective (some religions are faith-based, others do not require individuals to believe in specific tenets in order to be part of the religious community in question).

It is important to keep in mind that religion is not a monolith: diversity is central. In identifying issues, the key is dealing with religious individuals, not religions themselves. And these religious communities are in constant flux. One need only recall that in the Abrahamic religions and their jurisprudence, slavery was once described as a normal practice but is now outlawed.

Some religions have long used the language of human rights, such as the concept of natural rights in Christianity, centuries before the UDHR was adopted. It is thus possible to see human rights terms as an 'indigenous' language of faith.

There was a consensus at the FRA meeting that human rights is not a religion, and is not 'sacred space.' Human rights law offers a methodology for assessing compliance with a set of norms regarding the freedoms of the individual versus other individuals and the state. As such, it needs updating and refinement and progress can be made by building alliances with religious communities, but it is not a religion itself.

Areas of joint action

Participants discussed a number of different areas in which co-operation between those motivated by religion and those motivated by human rights could be enhanced.

"From my own experiences I would suggest not to always try first to find mutual agreement at the ideological level, but start with practical initiatives inspired by people's visions of the 'good life'. In many cases, this can be translated into human rights terms, especially since most people want to have their basic needs fulfilled. They try and do this with the potential at their disposal, which includes spiritual potential."

It is important to acknowledge that there are already issues of mutual concern on which joint actions can or are being taken. Fighting religious intolerance – whether the rise of antisemitism, or of anti-Muslim or anti-Christian discrimination – is an obvious area of mutual concern and action. Other societal problems that both communities work on and see as needing their help include contemporary migration-related challenges, poverty eradication, battling hate crimes, countering terrorist attacks, and opposing the death penalty, and anti-torture campaigns. There has been important work by religious organisations in the area of violence against women and child abuse, countering trafficking in persons and other forms of slavery, and action against various forms of inequality, including racism. Religion has had a major impact on issues such as the fight against discrimination and the right to education.

Some participants noted a tendency in the human rights community to engage religion only in the context of 'countering violent extremism'; however, if this is the only factor motivating such engagement, it presents a problematic approach to wide-ranging collaborative action. In the area of security and countering extremism, the involvement of religiously-motivated organisations should be full and continuous. It would be wise, however, to involve them from the beginning in the design of such projects, whenever possible.

"Religion has had a major impact on issues such as the fight against discrimination and slavery, the freedom of religion or belief and the right to education."

Migration, fundamental rights and religion

Many participants agreed that both religious and human rights organisations can play a particularly strong role in addressing contemporary challenges in the area of migration in Europe regarding refugees and migrants. From a religious perspective, it is worth recalling that Abraham, Moses and Mohammed were all migrants experiencing persecution and/or discrimination. More generally, the concept of hospitality can be found in both historical texts (e.g., the Iliad) and world literature which, for example, contains many references to the stranger who turns out to be divine.

Religious communities could make more joint statements on issues of significance concerning migration policy. The role of religiously motivated actors in efforts to rescue would-be migrants also merits further study.

Across the board, FRA mapping of the extent to which religious groups are consulted and involved in work on refugees could be very instructive to public officials and helpful to the migrant community as well. Additionally, guidelines could be drawn up by human rights and religious organisations regarding the scope and conduct of rescue efforts, as well as legal protection and community integration efforts. Policy-oriented research on these issues and others are needed.

"There is a commonality between social work and community building in the social aspects of the Christian tradition; religions can play a strong role in integration of refugees."

Forging alliances

Because of widespread Islamophobia and fear of terrorism, Muslim religious actors have made valuable alliances in some countries with churches, the Jewish community and other religious groups in dealing with migration-related challenges. Pope Francis has asked that migrants be taken in, noting that the Catholic Church welcomes migrants.[47] Religious houses of worship can become a place for reception (welcoming), integration and dialogue – including inter-religious dialogue. Because of the cultural disorientation experienced by new arrivals, they can often find solid ground in religious communities in the host country, which helps them integrate into society. It was suggested that it could be helpful if teaching by religious scholars and/or in religious schools could include basic information on human rights.

Human rights groups could prioritise European responses to the threats to disappearing religious groups elsewhere in the world as a topic for collaborative action. Related to this, the maintenance of specialised expert institutions and mechanisms to monitor threats and violence against religious communities would be an obvious area for cooperation – such as monitoring anti-Semitic acts or discrimination against Muslims through the mechanisms of the OSCE or, by UN Special Rapporteurs, including the Special Rapporteur on Freedom of Religion or Belief or through the periodic and/or thematic reporting by FRA.

There is a need for prominent migrants in high political office to be visible as role models for the new migrants. There is also a need for religious communities to work together more on issues of religious persecution. Some of the migrants are fleeing persecution in their home countries. When this is the case, the situation needs to be identified in an informed way. National immigration authorities and law enforcement officers are reportedly inadequately aware of conditions in the migrants' countries of origin. Nor do they know about the religious repression that some of the individuals may have experienced, from which they are seeking refuge, for example among Christians fleeing from the Middle East or South Asia, or among Ahmadi asylum seekers. Hospitality and welcoming of refugees can reduce stress and suffering and help with integration, but relatively little of this actually addresses 'human rights' protection. Often, in an asylum procedure, a migrant's credibility – based on

"The religious concept of 'hospitality' could be emphasised in the refugee context-not the narrative of refugees & migrants accepting 'European values', but of Europe learning from them."

47 Pope Francis (2017), Message of his holiness Pope Francis for the 104th world day of migrants and refugees 2018.

his/her explanation of the rationale for leaving his/her country of origin – is rejected due to a simple lack of knowledge. More collaborative work between religious communities might be able to identify what were called 'ridiculous questions' in the refugee status determination process and enable immigration authorities to focus on actual indicators of persecution.

Tolerance and adapting to new norms

On arrival in one northern EU country, many Muslim migrants were shocked to be received by a 'mixed' group of men and women. A local Imam tried to educate them, explaining that, from a religious perspective, there was nothing wrong with such diversity. But many people had never previously experienced this – or even heard such a rationale for mixing of the sexes. The same was true regarding LGBTQI persons, so local religious leaders also educated the newcomers by bringing an LGBTQI person inside the mosque to speak to the new arrivals. This illustrated to the migrants the importance of working together with representatives of other communities. In addressing the new challenges they faced, for example regarding the role of women, and LGBTQI persons, religious leaders also emphasised the value of collaboration with other NGOs. Too often, however, the national government has not engaged with the religious communities that have been proactive regarding the migration-related challenges; mutual support is essential.

Knowing their rights

Religious communities and human rights actors could work together to better inform migrants of their rights. FRA could maintain a regular presence in key reception centers and co-operate with religious communities in spreading information on the rights of migrants. In addition to this, it would be important for FRA to conduct training of officials, particularly police and law enforcement, but also medical officials, on their legal/human rights and duties regarding the migrants. At the same time, FRA could also devote attention to education of religious leaders about their rights, and those of the migrants, as it is likely that the religious leaders will play an important role in aiding newcomers.

On entering Europe, the first thing that many migrants encounter is the effort by the EU to gather data for police and law enforcement purposes. Information is collected from migrants on arrival and handed over to law enforcement authorities to help identify criminals. Some of this information identifies their religious affiliations. The EU fears radicalised elements among the migrants as a potential threat. How can local religious and human rights actors ensure that law enforcement distinguishes between real and perceived threats, and that they fully respect each person's human rights? In some countries, there are counsellors hired to work with migrants. A lack of information and untrained police can create unnecessary frustrations.

Consider the issue of fingerprinting, which sometimes shocks migrants. Basic information as to the purpose and manner of fingerprinting must be provided and made available to migrants and counsellors, so the people affected understand they are not being treated as

criminals, but are actually being treated in a routine way.[48] The EU has a new Passenger Name Records Directive,[49] which allows religious identification of individuals (e.g. by reference to their dietary requirements). How this should or should not be explained or applied to new migrants needs to be sorted out, and human rights actors can help.

Different actors, different focus

It was noted at the meeting that persons active in religious communities commonly limit their actions-sometimes to their own co-religionists, or to local, grassroots (and thus smaller-scale) issues. Not everyone works on every issue. However, because religions have a global reach, they can (and often will) also take a global perspective. Different groups may reach different conclusions about the desired scope of their actions. It was also noted by some participants that some clashes between human rights actors and religious actors may be ideological and not religious. There is no need to demand full identification with every aspect of another person's worldview in order to work with them on human rights.

Overcoming obstacles of joint action

The paragraphs above have outlined effective ways for religious actors and human rights actors to collaborate to advance human rights protection in Europe. However, there are serious challenges in the path towards achieving such joint action. To start with, there are normative issues related to human rights discourse. Many states have made religion-based reservations to international human rights treaties[50] limiting their applicability to the state and the state's obligations to carry out the norms therein. Through such reservations as well as through demands for exclusion from rights obligations, equality can be rejected, critics can be silenced and harmful practices against women and girls and violence against LGBTIQ persons can be advocated. Freedom of religion and belief itself can be distorted. This challenge is a real and recurring one. Avoiding such a negative outcome is yet another reason for the religious actors and human rights communities to work together.

Acting against violence in the name of religion

Although the United Nations had been wary of engaging with religion in the post-Cold War era, this appears to be changing particularly in light of the recently adopted Beirut Declaration on Faith for Rights and its 18 commitments which seek to operationalise items

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48 See also FRA (2015), Fundamental rights implications of the obligation to provide fingerprints for Eurodac, FRA Focus 05/2015, Luxembourg, Publications Office, and FRA (2016), The impact of the proposal for a revised Eurodac Regulation on fundamental rights, FRA Opinion 6/2016, Vienna.

49 European Parliament and Council of the European Union (2016), DIRECTIVE (EU) 2016/681 of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.

50 See, for example, in respect of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), UNWOMEN (2006), Reservations to CEDAW.

in the earlier Rabat Declaration against incitement based on religious hatred.[51] The Beirut Declaration affirms "a common commitment to upholding the dignity and the equal worth of all human beings" and sets out several fundamental principles, including engaging independently but collectively in concrete action-oriented Faith for Rights (F4R) projects at the local level, and speaking out against any advocacy of hatred that amounts to inciting violence, discrimination or any other violation of equal dignity. Whether or not this is successful depends in large measure on whether religious leaders and civil society representatives worldwide accept the Declaration and begin to take action to implement its 18 commitments, perhaps beginning with commitments 12, 13 and 14. They could serve as an initial guide to joint advocacy action by a coalition of religious and human rights actors.

Beirut Declaration, commitments 12 through 14:

"12. We aim to achieve that goal in a concrete manner that matters for people at the grassroots level in all parts of the world where coalitions of religious actors choose to adhere to this declaration and act accordingly. We will support each other's actions, including through a highly symbolic annual Walk of Faith for Rights in the richest expression of our unity in diversity each 10th of December in all parts of the world.

13. Articulating through the present declaration a common vision of religious actors, on the basis of the Rabat Plan of Action of 2012 and follow-up meetings, would provide the tipping point for disarming the forces of darkness; and help dismantling the unholy alliance in too many hearts between fear and hatred.

Violence in the name of religion defeats its basic foundations, mercy and compassion. We intend to transform the messages of mercy and compassion into acts of solidarity through inter-communal social, developmental and environmental faith-based projects at the local, national, regional and global levels.

14. We fully embrace the universally recognised values as articulated in international human rights instruments as common standards of our shared humanity. We ground our commitments in this F4R declaration first and foremost in our conviction that religions and beliefs share common core values of respect for human dignity, justice and fairness. We also ground these commitments in our acceptance of the fact that "Everyone has duties to the community in which alone the free and full development of his personality is possible" Our duty is to practice what we preach, to fully engage, to speak up and act on the ground in the defence of human dignity long before it is actually threatened."

[51] UN (OHCHR) 2012, Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

Encouraging dialogue

In international human rights law, it is the state that takes on obligations to uphold human rights, not the individual or community-based groups. No reservations beyond those in accord with international treaty law can be accepted for state obligations. In the private sphere, however, individuals are free to hold other opinions, to debate and to disagree on human rights issues. When religious actors criticise human rights about what is and is not acceptable in their tradition, the solution to such roadblocks may be simply "to keep talking", particularly since mercy and reverence are common to so many religious traditions.

There are also challenges within religious traditions. Some traditional religious views are critical of human rights. Some religious actors have worked to overcome this by dividing up institutions and establishing new ones that are accepting and affirming of the human rights of all persons. One religious leader outlined some of the issues encountered when establishing a new, reform oriented house of worship. This effort was initiated as a way of fighting against the politicisation of Islam by Islamism. Her mosque has male and female imams, and works towards change within the religion. One of her goals is to see human rights discussed at religious schools and, in general, more education on religion within human rights curricula, and vice versa.

In the effort to develop new narratives to highlight issues facing refugees, schools could encourage students to write essays about root values of culture, whether it is a concept such as mercy, or a practical matter such as respecting the stranger.

Enhancing literacy

The challenge of illiteracy is significant, as it entails a lack of knowledge about both human rights and religions. This can only be overcome by substantial commitments to education of all relevant actors. Though they are relatively few of these, a growing number of judgements of the European Court of Human Rights address religious symbols in the workplace[52], universities[53], schools[54], religious slaughter[55], exemptions to duties in spheres such as education[56] and financial and health regulations affecting members of religious communities.[57] Some have expressed concerns that European Court of Justice Judgments in the religious sphere[58] particularly their impact on the right to wear religious symbols

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52 ECtHR, *Eweida and Others v. the United Kingdom*, Nos. 48420/10, 59842/10, 51671/10 and 36516/10, 15 January 2013.

53 ECtHR, *Leyla Şahin v. Turkey*, No. 44774/98, 10 November 2005.

54 ECtHR, *Lautsi and Others v. Italy*, No. 30814/06, 18 March 2011.

55 ECtHR, *Cha'are Shalom Ve Tsedek v. France*, No. 27417/95, 27 June 2000.

56 ECtHR, *Osmanoğlu and Kocabaş v. Switzerland*, No. 29086/12, 10 January 2017.

57 ECtHR, *Affaire Association Les Témoins de Jéhovah v. France*, No. 8916/05, 30 June 2011.

58 CJEU, *Samira Achbita, Centrum voor gelijkheid van kansen en voor racismebestrijding v G4S Secure Solutions NV*, Case C-157/1514 March 2017.

more generally.[59] Questions were raised regarding the extent to which members of international bodies, such as those serving on UN committees and regional human rights courts who are issuing the decisions on religious topics, are literate about religion.

Other challenges

It was also suggested that another obstacle is simply a lack of personal courage and the need for individual energy and commitment from both human rights actors and religious actors if the two communities are to work more closely together.

Finally, among other problems impeding collaborative action, is 'the burden of history' – that human rights is perceived as 'Western' because of its origin, and that there is a complicated 'religious history' within Europe as well, as outlined earlier.

[59] Amnesty International (2017) EU: ECJ rules no violation in dismissal of women for wearing headscarves at work.

Action points that emerged from participants at the meeting

General action points

- Mutual dialogue between human rights actors and religious actors should be based on shared principles and values.
- The focus should be on cooperation based on mutual concepts and common concerns – 'You can't add religion and stir.'
- Religious groups ought to be supported to 'come to the table'.
- Shared spaces projects must engage with but not undermine religions and human rights.
- There is a need to find effective ways for religious and human rights actors to collaborate to advance human rights protection, and therefore to overcome challenges to joint action.
- There is a need to explore and identify opportunities and challenges faced in trying to realise common aims to advance the equal and inalienable rights of all persons. Common efforts could be developed for action programs aimed at spreading literacy, and overcoming poverty, violence against women, and other forms of abuse, as well as providing humanitarian aid.
- There is a need to reinforce interfaith training.
- Religious communities need to learn more about human rights and human rights groups need to develop greater religious literacy. In particular, there is a need to raise awareness on religion and human rights among diverse but key constituencies and multipliers, including:
    - different religions;
    - women, youth and academics;
    - law enforcement personnel (such as police officers, judges and immigration officials) and EU and national level policymakers;
    - service providers such as humanitarian groups, as well as religiously identified organisations that engage in human rights and social action;
    - staff at European and international institutions.
- Such education should be broad, sustained, and cover conceptual as well as practical matters. These could include developing understanding of human rights, and understanding of religions; an understanding that religion may affect all human rights; the concept of freedom of religion, non-discrimination norms, rights of minorities and respect for freedoms of expression, association, as well as the rule of law. Better knowledge of and understanding of basic religious concepts could address concepts such as dignity, justice, mercy, and forgiveness, as well as facts about the pluralism and diversity within religions.

Action points addressed to religious actors

- Religious actors could consider addressing human rights issues and liaising with FRA, exploring ways to take ownership of dialogues and topics addressed; in addition, religious actors could consider ways of conducting intra-religious dialogues along with inter-religious ones. Among the topics to be addressed in such dialogues could be how each community would advance dignity, equality, justice, and non-discrimination.
- Religious actors should recognise collaboration is not a one-way effort: religious groups must also reach out to human rights actors, engage with them on the issues and not treat them as 'the other'. They should welcome the presence of human rights experts, including FRA staff, in their communities and introduce them to grassroots activists as well as relevant media and civil society organisations motivated by the same issues.

Action points addressed to FRA

- FRA should continue to explore both the challenges and opportunities in trying to realise joint human rights aims together with religious actors.
- FRA should play a role in promoting and supporting the cooperation of religious and faith-based and human rights actors within the EU.
- FRA should seek to become a meeting space that brings groups together for dialogue and developing common strategies for action and encouraging social action by religious actors; consider contributing human rights assistance and expertise to inter-religious dialogue on human rights concerns, and consider conducting dialogues on a series of specific priority topics, such as how EU equality directives relate to religious actors. Topics selected would have to be developed together with both human rights actors and religious actors, ensuring that both religious groups and human rights actors feel a sense of ownership of the dialogues.
- FRA should expand its outreach to religious communities and religiously inspired civil society actors during country visits or presentations of its reports.
- FRA should prepare a paper mapping the human rights efforts of religiously inspired actors and religious communities.
- FRA should focus on and address the link between religion and contemporary migration-related challenges, including by:
    - providing legal advice and information on the fundamental rights of arriving migrants and asylum seekers for both migrants and those welcoming the migrants;
    - explaining such issues as fingerprinting so that new migrants do not feel they are being treated as 'criminals';

- advocating for a regular presence of human rights experts in key reception centres, perhaps together with members of religious communities.

- Future meetings of experts concerning religion and human rights and, where in line with its mandate, FRA should go beyond looking at shared space and consider other issues, including:
  - mapping systematically how religion can contribute to the public sphere, and to the promotion and realisation of specific human rights;
  - addressing some of the issues that are sources of controversy between religious and human rights actors such as religious slaughter and circumcision, as well as more controversial ones such as alleged allurement (as related to conversion); laws that attempt to exclude individuals from human rights obligations and non-discrimination of LGBTIQ persons;
  - engaging religious actors, including those active in the Article 17 dialogue and human rights actors active on migration issues; and
  - in doing so, FRA should cooperate with other international organisations, such as the United Nations, the Council of Europe and the OSCE.

FRA will consider these proposals but without prejudice to its independent mandate and its specific decision-making process.

TK-05-17-254-EN-C

Paper ISBN 978-92-9491-921-2 PDF ISBN 978-92-9491-920-5

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