

**Freedom of Religion and Belief for Everyone Everywhere:
Lessons Learned and Good Practices**

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Advance a Regional Dialogue on the Right to Freedom
of Thought, Conscience, and Religion or Belief
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Thank you, Mr. President and good afternoon. I speak today as a scholar of law and religion who looks at this field from an international and comparative law perspective. I am not specifically an expert on Latin America or the Caribbean and so I speak very much with an outside perspective that nevertheless I hope will be interesting and useful. I would like to congratulate the member states for the Medellin General Assembly resolution on the right to freedom of religion or belief that called for this special meeting, and I am grateful for the opportunity to participate in this regional dialogue on the right to freedom of thought, conscience, and religion or belief. It should be clear that such a dialogue is important for all of us, whether we are religious believers or not, for the same protections that afford freedom of religion for all afford protections for those who are not religious believers.

The need for “climate change” in human rights discourse

I would like to begin with an observation made by Ján Figel, the European Union’s Special Envoy for Freedom of Religion and Belief. He speaks often of the need for “climate change” in our human rights discourse. Why is this? Today, our contemporary human rights discourse is more divisive and politicized than it ought to be. In addition, sometimes human rights seem too imperial, as if they are going to solve every problem. At other times, they seem quite fragile and vulnerable, subject to a variety of types of criticism and condemnation. And so, I think it is true that we really do need “climate change” in our human rights discourse. I believe the OAS can play a key role in achieving this global climate change.

Three suggestions

In the few minutes I have today, I’d like to make three suggestions of how we might do this. The first concerns how we can make freedom of religion and belief an ordinary and everyday

integrated part of human rights discourse. Secondly, I'd like to discuss the opportunities for leadership that I see present for the Organization of American States. And thirdly, I'd like to discuss briefly what we might describe as the journey from persecution to inclusion, and how the concept of human dignity for all people in all places can help us rejuvenate human rights discourse.

Making FORB an ordinary part of human rights discourse

First, making freedom of religion and belief an ordinary and everyday part of human rights discourse. Too often there is a disconnect between religious human rights advocates and secular human rights advocates. Sometimes we speak as if we have to make a choice between religious freedom and human rights, neglecting that religious freedom is itself a fundamental human right, by some accounts the "grandparent" of all human rights.

Too often there is a discussion of a clash of rights. I appreciate the OAS General Assembly resolution from the Medellín Colombia meeting, which recognizes that all human rights are "universal, interdependent and indivisible." Pursuing rights will work best if we understand that they are interrelated and mutually reinforcing. And so, we need to be constantly looking for strategies for mutual vindication of rights and mutual reinforcement of rights. This ought to be obvious, because it's clear that when freedom of religion and belief is well-respected and well-protected this is good for other fundamental rights, including freedom of expression, freedom of association, as well as women's rights, children's rights, and the rights of sexual minorities.

Sometimes we speak as if non-discrimination and freedom of religion are in some sort of a struggle with each other. When we do this, we overlook that much of the discrimination we see in the world, much of the intolerance we see in the world, much of the violence we see in the world, is religious discrimination, religious intolerance, and violence against people because of their religion or belief. Religious minorities and sexual minorities in particular need to recognize that they have much more in common than they sometimes sense – primarily that they are each minorities that can easily be overrun by majoritarian politics. When we protect the freedom of all, when we protect the human dignity of all, this will be good for all. FORB is sometimes described as the "canary in the coal mine" – when rights of freedom of religion and belief are violated, violations of other human rights are sure to follow.

Consider for example the stereotype that protecting religious freedom allows us to discriminate. Here we think of the cases involving bakers or florists in the wedding industry, but the most recent case decided in the United States under the Religious Freedom Restoration Act protected progressive religious activists. These were humanitarians leaving water and food on government property for migrants. They had been convicted of trespassing and a federal judge in Arizona, Judge Rosemary Marquez, recently held that these convictions could not stand because they were acting from sincere religious beliefs, and under RFRA the state had failed to prove that there was no less restrictive way of accomplishing the compelling state interest of protecting property than by prohibiting and criminalizing this behavior. And so we see that protecting religious freedom will protect both conservative but also progressive values.

Opportunity for OAS global leadership

Point number two has to do with the opportunity for regional and global leadership. It has already been pointed out by other speakers today that the record with respect to freedom of religion and belief in the western hemisphere is far better than most other places in the world, although if we reflect honestly, many of us will conclude that the trends in our own countries (including the United States) are not positive.

I work on these issues globally and what is striking and unfortunate is how infrequently voices from Latin America and the Caribbean in particular are included in the global discussions of religious persecution, religious intolerance, and freedom of religion and belief in general. There is much to celebrate in the attitudes and the practices with respect to freedom of religion and belief in Latin America, in the Caribbean and in the Western hemisphere. There is much the rest of the world could learn from the experiences of this region of the world, even though simple “transplants” of one system to another will often not work (just as transplants of the organs of one body to another body are often rejected). The OAS, I believe, is well-positioned to take a much more vocal and proactive role in promoting freedom of religion and belief and in so doing promote other important human rights that are associated with freedom of religion and belief.

This meeting I believe is a very good start, but if there is anything we have learned in the last thirty years working in this field, it is that “drive-by activism” and “drive-by advocacy” does not work. Little is accomplished in one meeting or in one conversation. The only prospect for real, sustained improvement and change is real, sustained engagement over time in a serious and systematic way. And so, time will tell whether this is a “drive-by” event (or an exercise in “check-the-box”), or whether it is the beginning of a systematic and engaged effort to improve the climate for human rights discourse around the world.

The journey from persecution to inclusion: Human dignity for everyone everywhere

Let me conclude by offering a few observations about what we think of as the journey from persecution to inclusion. Many religious groups around the world have made such journeys. Think here of typical Protestant groups in many countries in Latin America and in the Caribbean over the last fifty years, since the time of Vatican II. The journey from persecution to inclusion of many of these groups in many of the countries represented in this room has been breathtaking. And what we notice is that it’s the very same institutions and individuals who inhabit those institutions that created the conditions for persecution to flourish, that were also necessary and the instruments of the journey to inclusion, the journey to participation, the journey to equality.

Consider for example, the role of states. In places where religious persecution is high, states are a part of the problem, almost always. This is true of governments, it is true of courts, it is true of police, it is true of other law enforcement and governmental agencies. When persecution thrives, the state all too often facilitates the persecution. One of the little noticed features of persecution is that it takes preparation, planning, coordination, effort, expertise, and resources.

Similarly, the press. Think of the way the press treated minority faiths in Latin America fifty years ago, compared to the way the press treats those groups today. It is much more fair-minded

and even-handed, and whereas the press was often a tool of persecution, today it is often a tool of inclusion.

Similarly, majority religions. Majority religions will usually either be among the most powerful perpetrators of persecution or the most powerful allies of the persecuted. And we have seen majority faiths in the Western hemisphere change from being powerful instruments of persecution to being powerful instruments of inclusion.

Think also of education. Consider how a typical textbook about religion fifty years ago in your home country treated minority faiths. Compare that to how they are treated today. My hunch is that in most countries represented in this room, there has been enormous progress in the balanced and fair-minded treatment of minority faiths, although there may still be distances to travel.

Similarly, the role of business. Similarly, the role of entertainment media, movies, books, novels, even comics.

And finally, consider the behavior of the persecuted groups themselves. Sometimes the persecuted can become powerful advocates, not only for their own rights but for the rights of others. Ambassador Brownback in his address here today used the same phrase maybe six or ten times: “standing for each other”. It is when we learn to do this, even the persecuted, when the persecuted learn to stand for others, the climates of persecution will begin to change.

The Punta del Este Declaration on Human Dignity for Everyone Everywhere

I want to finish by making mention of one initiative that emerged from Latin America, the Punta del Este Declaration on Human Dignity for Everyone Everywhere. This was a collective voice declaration issued by a group of scholars and human rights advocates from all over the world who gathered in Punta del Este, Uruguay in December of 2018 in commemoration of the 70th anniversary of the adoption of the Universal Declaration of Human Rights. This declaration is about the uses of human dignity in bringing about climate change in human rights discourse. I’ve brought some copies of a brochure about this declaration, both in Spanish and in English, and at the end of the meeting I’ll have some of those up here in front if any of you would like to pick those up.

What this meeting has the prospect of doing is starting a dialogue and a discourse that will result in broadening, deepening, and heightening our commitments to human rights, our commitments to freedom of religion and belief for all people in all places, and in deepening, broadening, and heightening our commitments to human dignity for all people at all places at all times. Thank you.