From Religious Dialogue to Human Rights, Particularly Women and Children’s Rights

Report of URG Policy Platform

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I. Introduction

Debates on the relationship between religion and human rights at international, regional and local levels often display a remarkable degree of misunderstanding and obfuscation. This lack of clarity has on many occasions led to the claim that certain tenets of major global religions are inherently incompatible with universal human rights. Those who make this claim often retain significant influence over policy-making. They argue that the specificities of different religions, together with different societal norms, mean that human rights should be viewed through a lens of ‘religious values’ or ‘local beliefs’. Such approaches may, however, endanger the human rights of vulnerable groups such as women and children amongst others.

However, one should admit the emergence of a new multipolar world of ‘multiple religious norms’ whereby ‘modern’ political values and practices with traditional local references and ways of living, often rooted in religious traditions, will be the rule rather than the exception. Religion is unaffected by these transformations. While in some parts of the world, religion is primarily conceived as a matter of conscience and individual choice, in other regions religion is understood as something to which individuals belong to, something akin to family, ethnicity or nationality. Due to the process of globalization and migration, these different concepts coexist today within the same geographical area and have an impact on the way freedom of religion is conceived, creating tensions that need to be managed. In this new situation, more cross-cultural and inter-religious dialogue is needed to combat misunderstanding and mistrust and strengthen human rights protection, particularly of vulnerable groups such as women and children.

There is no definition of religion offered in any international human rights instruments, probably due to the sheer diversity of religious ideas in the world. The UN Human Rights Committee and other treaty bodies have stated that the terms ‘religion’ or ‘belief’ are broadly construed to encompass traditional as well as new religions. There are nevertheless some limits that need to be stated. (For example, the Committee found it inconceivable that the cultivation and worship of marijuana could be a protected religion or belief.)

With this in mind, a Policy Platform From Religious Dialogue to Human Rights, Particularly Women and Children’s Rights was held on 18 February 2015 at the Global Ethic Institute, University of Tübingen, in collaboration with the Center for Islamic Theology,
Eugen Biser Foundation, Hanns Seidel Foundation, Baden-Württemberg Foundation and the Weltethos Foundation. Some 40 participants attended the event. The invitees included representatives from the world’s major religions, academics specializing in religious dialogue and human rights, senior officials from the Office of the High Commissioner for Human Rights, and relevant United Nations Special Rapporteurs.

The goal of the Policy Platform was to dispel the myth of incompatibility between religion and human rights by bringing together religious and community leaders, human rights defenders, academics and government representatives in a forum for constructive inter-religious dialogue. The Tübingen event was divided into morning and afternoon sessions, each lasting approximately 3 hours. The morning session focused on theoretical issues, and the afternoon session on legal and political issues. Each session begun with a series of short presentations by a panel of experts, and then moved to a general debate among all participants.

II. Background

The Policy Platform sought to address the historical and theological basis for assertions that certain religious tenants are incompatible with universal norms, deconstruct these assertions through robust argument and analysis, and bring into debate the role of religion in the legal and political international human rights framework, especially as it relates to the promotion and protection of women and children’s rights.

The central question for this Policy Platform was whether there is incompatibility between religion and human rights. States have opted for different approaches when becoming party to international human rights treaties containing provisions that may be incompatible with religious principles or customs: they either acceded to those treaties without entering reservations at all, or they acceded by entering a general reservation to the entire treaty or to certain provisions of the treaty. But while reservations to human rights treaties may generally be accepted and even necessary to redress imprecise drafting or to indicate in which way conflicts of rights will be solved, one of the main problems with reservations based directly on religion or belief is that they are imprecise in scope and are open to significant discretion from the author State. For example, Sharia law is not uniform across Islamic communities and has countless interpretations, thus complicating interpretation of such reservations.
This contributes to an unclear legal environment, leaving in doubt the extent to which international standards are guaranteed in the domestic sphere, and which aspects of the rights are not accepted. On many occasions, such a situation often leads to rights of vulnerable groups such as women or children being violated. Some reservations are in substance problematic, going to the heart of fundamental issues and human rights guaranteed by the treaty, such as gender and legal capacity, and equality between man and woman.

States that enter reservations with religious references to human rights treaties come from Europe, Asia, Africa and Americas representing a diversity of religions. Reservations with religious references are from States with established religions, as well as from States that exercise legal pluralism with regard to diverse religious groups in their countries. States make reference to their Constitutional orders, domestic laws or traditions and customs when entering reservations with religious references.

To date, States have entered reservations with religious references to five out of nine core UN Human Rights Treaties: the International Covenant on All forms of Racial Discrimination (ICERD), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (ICRPD).

It is to be observed that CEDAW has the largest number of reservations based on religion/tradition, followed by the CRC. Both treaties nearly have universal ratification and overall have the highest number of normative reservations. CAT has attracted few reservations, but religious considerations have motivated one fourth of these. The CRPD, which only entered into force on 3 May 2008 has attracted one fourth of its reservations motivated by religious concerns. The ICCPR overall has the third largest number of reservations, and only a limited number of those reservations are reservations motivated by religious considerations. Finally, the ICESCR and ICERD both have a small number of normative reservations in which religious motivations have played a limited role.
Article 16 of CEDAW, which regulates equal rights of men and women in the family, has by far attracted the most reservations with religious grounds. Paragraph (1)c that accords same rights to men and women during marriage and after dissolution is the most reserved sub-provision under this Article. This is followed by according same rights with regard to guardianship, wardship, trusteeship and adoption of children, rights to choose a family name and having same rights and responsibilities as parents. All of these reservations seek to protect the privileged position of men in family relations.

Now the question may arise: what solution is provided under international human rights regime and under national constitutions in cases where equality of rights comes into conflict with cultural practices or religious norms? Such conflicts arise in the context of almost all religions and traditional cultures, since they rely on norms and social practices formulated or interpreted in a patriarchal context at a time when individual human rights in general and women’s right to equality, in particular, had not yet become a global imperative. Barriers to women’s rights are not specific to one region or to one religion, but their form and severity does vary among regions and religions. The clash between culture or religion and
gender equality has become a major issue in the global arena. It is probably the most intractable aspect between cultural and religious claims and human rights doctrine.

Another point that deserves a mention is the relationship between freedom of expression and freedom of religion or belief; they are complementary and mutually reinforcing, their concomitant realization guaranteeing the free expression of a diversity of opinions, beliefs and convictions. While limits to freedom of expression are outlined by international law, there has been deep division around the turn of the century among Member States on clear demarcation on the complementarity of these rights. In order to overcome deep divisions among its Member States, the UN adopted Resolution 16/18 at the Human Rights Council and held a series of consultations between experts of all regions to identify and specify the scope of restrictions to freedom of expression permitted under international law. A Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (also known as the Rabat Plan of Action) was adopted in October 2012, in Rabat, Morocco. The Rabat Plan of Action recognized in particular that the exercise of the right to free expression is the rule and prohibition is the exception, and that “blasphemy laws are counter-productive since they may result in censoring inter-religious dialogue and health debate”.

III. Summary of panel discussion

a. Introduction

The following experts made interventions at the opening ceremony:

**Prof. Dr. Claus Dierksmeier**, Director of the Global Ethic Institute at the University of Tübingen, raised the question of the role of religion: is it an impediment on the path towards human rights or is it a part and parcel of the very progress towards human rights? For him, the core issue under debate is not new, but one that has been debated since the late 19th century, i.e., whether secularization might be the solution to the desideratum for universal human rights. However, when faced with this un-attractive dichotomy between secular fundamentalism and spiritual fundamentalism, most people should seek a middle path where religion is perceived as a driver for the human rights agenda. Prof. Dierksmeier concluded that there is hope for a true religious dialogue that can promote human rights.

**Prof. Dr. Erdal Toprakyaran**, Director of the Center of Islamic Theology, University of Tübingen, assumed that if we can get to a purely academic theology we would see that there is no contradiction between Islam and universal human rights. He stressed that human rights are universal, and not Western or American or something else. It is therefore crucial to struggle for the good of the people and for the future of our children.
**Dr. Ahmed Shaheed**, UN Special Rapporteur on the human rights situation in Iran and Chairman of the Universal Rights Group Board, expressed concern at the growing radicalization in a number of countries, at the fact that the advances already made, such as Resolution 16/18, are being pushed back by the reluctance that has happened in the last 2-3 years. Both a practicing Muslim and a professor of human rights, Dr. Shaheed found no incompatibility between religion and human rights, but at the same time he was appalled by the amount of people who declared that they are not reconcilable. He concluded that those from the political circles should be aware of the need to close this gap between religion and human rights, especially given that religious leaders often rise against oppression and thus promote the ideal of human rights.

**Dr. Ibrahim Salama**, Director of the Human Rights Treaty Division at the UN Office of the High Commissioner for Human Rights (OHCHR), gave an exposé on how religion and human rights can be complementary and explained how the Rabat plan of action addresses the interface between human rights and religion.
b. **Panel 1: The relationship between religion and human rights and its impact on the human rights of vulnerable groups, including women and children**

Panel 1 was moderated by Dr. Nazila Ghaene, University Lecturer in International Human Rights Law at the University of Oxford.

The speakers were:

- **Prof. Peter Antes**, Leibniz University of Hannover, who made a brief comment on the history of human rights and Christianity;

- **Dr. Stephan Schlensoog**, Secretary General of the Global Ethic Foundation in Tübingen, who talked about the relation between Hinduism and human rights;

- **Rabbi Nava Hefetz**, Educational Director of Rabbis for Human Rights, who touched upon Judaism and human rights;

- **Prof. Mouez Khalfouhi**, Professor of Islamic Law at the Center for Islamic Theology, University of Tübingen, who raised the issue of compatibility between Islam and human rights.

The discussions centred on the concept and meaning of ‘human rights’ in different religions and cultures. It was argued that in spite of the fact that human rights claims are part of recent European history, they have to be seen as a challenge to all world religions. It was also demonstrated that over time, there is an evolution of acceptance of human rights within religion. An example presented was that of the Roman Catholic Church, whereby in 1792, the French Declaration of the Rights of Man and of the Citizen was put on the index of prohibited publications by Pope Pius VII. These were later accepted by the Vatican II as part of Christian Heritage and teachings.
This development is quite interesting when it comes to its application in view of that the fact that the Holy See is still not party to CEDAW. The reasons being: first, religious freedom, namely the freedom to change religion, seems to be unacceptable for the members of the Holy See, and secondly, an equal access to all functions for both women and men is not possible as long as priesthood, and in particular the reign of being ordained as a bishop or becoming a cardinal, are reserved only to men. This creates a certain dichotomy between suggestions for Catholics as peoples of States and the practice and reality of the Holy See.

The discussions then focused on Islam, Judaism and Hinduism – religions that also sometimes have a conflictual relationship with human rights standards.

Within Islamic world, contrasting positions range from conservative Muslims who argue that the norms of human rights already exist in Islam and that there is no need to commit to them in separate treaties,. On the other hand, there are those who argue that Muslims should get rid of Islamic norms and ratify and implement international human rights standards. The norms of Sharia, which were developed in the pre-modern era, are often understood as being in contrast with human rights, especially the rights of women, children, and people of non-Muslim faith. One reason for the alleged dualism of Sharia and human rights is the literal interpretation of Sharia, which considers Islamic law as something divine and unchangeable.

However, many believe that Sharia has to be reformed in order to comply with human rights, in particular with women’s rights. Even if Muslim States were among the first countries that ratified CEDAW, they nonetheless had several reservations justified by religious arguments. They pointed out that Sharia is not changeable and that any change would pose a threat to their Muslim population. However, this apparent contradiction seems to be rather political in view of the fact that public opinion has in fact not been sought in these countries given the lack scientific evidence or surveys available on this issue. Equally striking is that when women are the subject of debate, they are often not represented in discussions. In this regard, it was argued that the continuous upgrade, change and development of Islamic law should encourage contemporary debates on the relationship between faith and human rights.

It was also underscored that one third of Muslims in the world live outside of Islamic countries. They live together with non-Muslims in democratic Western societies, and benefit from human rights such as equality of treatment and right to work and education. However,
Muslim women living in the Western societies are struggling against a double discrimination: discrimination because of their religious practices such as wearing of headscarf, and also discrimination through their own religious constraints imposed by Sharia law. This raised the question whether the reform of Sharia is not now a necessity to adapt to the reality of this globalised world. It further emerged from discussions that a modification in the understanding of Sharia should emerge from the grass root level in order to be effective in the longer term.

Similar concerns were raised in the discussions on the relationship between Hinduism and human rights. These are multifaceted due to the existing caste system, which promulgates discriminatory practices in terms of social movement, access to decent work, to education etc. It was also argued that the role of women in the Indian society hinged on the gender roles assigned by ancient religious texts, which reflect a traditional patriarchal order. For the panellists, the solution to these problems would be a change in awareness of obsolete stereotypic thoughts and behavioural patterns. In this context, education was seen primordial to effective change.

When discussing Judaism and human rights, it was observed that the issue of discrimination against women was largely due to patriarchal norms and orthodox beliefs. For example in the past Orthodox Jews would not allow women to sit at the front when using public transport or pray at specific religious sites. However, campaigns led by women activists and grassroots human rights defenders led to a change in these attitudes and laws. It was also stated that even if some believe that Judaism focuses on duties and responsibilities rather than rights, the outcome largely depends on the approach employed in interpreting the religious text.

The following questions/comments were also raised:

- The issue of radicalism in religion and its impact on human rights;
- Whether women’s rights can serve as a driver for the general advancement and implementation of human rights;
- The importance of interpretation of religious text and the evolution of human rights
- The relationship between religion and politics and its impact on human rights.
- The role of culture with regard to religious traditions, and whether the promotion of human rights can be achieved through inter-religious dialogue.
c. Panel 2: religion and human rights in international law and relations

The speakers were:

- **Prof. Heiner Bielefeldt**, UN Special Rapporteur on Freedom of Religion and Belief and Professor of Human Rights and Human Rights Politics at the University of Erlangen-Nürnberg, who raised the question of an apparent existing conflict between religion and human rights;

- **Dr. Nazila Ghanea**, University Lecturer in International Human Rights Law at the University of Oxford, who discussed about the role and place of religion in international human rights law;

- **Dr. Ibrahim Salama**, Director of the Human Rights Treaty Division at the OHCHR, who gave an exposé on the interactions between religion and human rights within and outside the UN framework.

Discussions in the second panel started with the alleged fundamental antagonism between religion and human rights. It was argued that human rights are not religious but legal obligations, which any States need to uphold. Furthermore, all human rights have a strong societal dimension and thus aim to uphold human dignity.

It was also highlighted that while human rights and religion could be sometimes interpreted as conflictual, freedom of religion and belief remains a human right as per international human rights law. In international human rights law, the primary focus is on the individual and it is the individual who ultimately determines whether he or she belongs to a
specific religious group.

In this regard, the question of whether religion should be discussed in international human rights law was raised. The panellists identified several reasons:

- to bring in religion as an ally in advancing human rights law and promoting realization of human rights globally;
- as a response, because certain States use religion to place reservations on internationally agreed human rights treaties such as CEDAW and CRC;
- to use the moral values of religion to advance the universality of human rights;
- to avoid religion being used as a precursor towards discrimination.

For the discussants, freedom of religion and belief should be implemented by all States, especially in relation to rights of women, children and other vulnerable groups.

As far as the place of religion and human rights in international relations is concerned, the question was not if debates about religion should occur at the international level – because there is already debate on the subject at that level – but how to engage those arguments to progress on this issue.

The discourse on the compatibility of human rights and religious belief can, on one hand, offer opportunities in the promotion and protection of human rights but can also be an obstacle if misused for political or financial gains. As people exploit religion for political ends, various negative forces come into play: economic interests, a lack of education, a lack of democratic values and good governance. The idea of separation of religion from the State was proposed as a solution to this issue.

The following proposals were also made:

- to develop a culture of human rights within faith based organisations or communities;
- to encourage dialogue between religious leaders, theologists and human rights experts for better understanding of human rights standards and norms;
- to develop a curriculum in academic institutions on human rights and religions so as to promote a human rights framework that is all-inclusive. After all education is seen as a key to change;
- to ensure the dissemination and subsequent implementation of Rabat Plan of Action
on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence adopted in October 2012 in Morocco.

A series of questions and comments also followed the presentations in the second panel. It was held that progress on the achievement of human rights could also be made when focusing on the implementation of existing national laws and constitutions before taking the issue at the international level. But the problem is that, for instance when looking to the six countries belonging to the Gulf Cooperation Council (GCC), not all of them have constitutional courts, and from those which have, only two allow for the right to individual petition. Therefore, the ratification of international instruments does create a certain momentum, but even when international law gains theoretical primacy over the national law, there is still the test of practical operation. Otherwise stated, one cannot solely or even primarily rely on the national constitutions.

But even when States show willingness towards accepting international human rights standards, they still can raise a number of reservations. Taking the example of CEDAW and women’s rights, the question was how to reconcile the equality between men and women taking into account the legal systems in these countries that do not permit such equality between men and women. Another question was how the international community or mechanisms within the UN system can address the issue of indirect discrimination against Muslim women in the world.

Undoubtedly, women’s rights are most affected by reservations. In this situation, it was proposed that a dialogue identifying best practices and a grass root approach is necessary
to encourage States to remove their religion-based reservation on CEDAW and CRC. It was also held that the notion of coercion should be re-defined, so that there is no coercion in matters of religion or belief. Religion-based reservations should also not be seen as being sacrosanct, untouchable.

Normally, States use reservations as a preventing measure against some interpretations. In can be easily observed that distrust and reservations against supranational institutions are dominant in some countries.

As far as the discrimination of Muslim women was concerned, some of the panellists believed that a feasible alternative when claiming rights before the international bodies would be to rely on the freedom of opinion and expression rather than on the freedom of religion and belief. Thus, it can contribute to the marginalization of the freedom of religion and belief, as a tendency of not taking this right seriously. Moreover, freedom of religion and belief is even more practical in some cases because it involves not only expressing a view, but living according to one’s own convictions as well. One participant pointed that freedom of expression also includes freedom from religion, and both are interconnected.

Participants further enquired into the forms of cooperation and coordination between different boards within the UN, such as the Alliance of Civilizations or the United Religions Initiative. It was admitted that coordination is rather deficient within the UN, but then it was raised the question of how can the UN encounter the growing demand for traditional Sharia law across the Muslim world and what the treaty bodies can do to encourage withdrawal of reservations. Are there ways to make the existing complaints mechanisms work better?

During the on-going discussions, it was observed that addressing these issues within the multilateral context may take time despite the fact that the system of complaints has evolved, for instance by reducing the time for processing an application from four to two years. However, it should not be disregarded that in some cases a link has been created between international norms and supervision and domestic implementation. National human rights institutions can create such a link and as such, can become a key actor in the implementation of the Rabat Plan of Action. The issue of how to relate religious norms to human rights obligations was discussed in view of the fact in many instances, they may be incompatible. Some participants felt that while there is merit in looking for compatibilities between religious values or beliefs and human rights, it is an undeniable fact that in any circumstances human rights obligations should always has precedence over religious norms.
as the latters is subject to interpretation from State to State while the formers are legal obligations undertaken by the State towards the international community.

Finally, the increasing tendency of some States to integrate freedom of religion or belief as a part of their foreign policy objectives was also discussed.

IV. Conclusions and the way forward

The conclusion/way forward of the discussions were framed to the following four points:

• **Public Diplomacy and need for a greater secularity in implementation of human rights obligations** – the discourse should evolve from secularism – that is an end in itself – to secularity, as a means towards greater human rights promotion. In this context, identifying best practices on how States have removed their religion based reservation from CEDAW and CRC and the need to ventilate these practices in various fora could be one approach

• **Bottom-up approach** – It is important to empower civil society and encourage debates and panel discussions on this issue on whether religion is compatible with human rights obligations. Human Rights Education should also be a component of this approach

• **Representation** – It is important to determine on whose behalf are the religious leaders speaking. Do they represent women and children? It is thus important to have an inclusive approach in the human rights of interfaith dialogue.

• **Democracy and Rule of Law** – Is real and sustainable progress on removing religious based reservation on CEDAW and CRC possible without universal suffrage and substantive democracy? For example, in 1997 Bangladesh lifted most of its CEDAW Articles 13 and 16 reservations after it had held its first universal and free elections one year earlier. It is therefore crucial to promote democracy, free and fair elections, as well as to secure representation of women in the higher level of policy makers and political sphere.
Annex 1: Programme

URG Policy Platform: *From Religious Dialogue to Human Rights, Particularly Women and Children’s Rights*

**Background**

Debates on the relationship between religion and human rights at international, regional and local levels often display a remarkable degree of misunderstanding and obfuscation. This lack of clarity has on many occasions led to the claim that certain tenets of major global religions are inherently incompatible with universal human rights. Those who make this claim often retain significant influence over policy-making. They argue that the specificities of different religions, together with different societal norms, mean that human rights should be viewed through a lens of ‘traditional values’ or ‘local customs’. These views have been espoused at the United Nations in Geneva in statements of members of the Organization of the Islamic Conference (OIC) and in the context of Russia’s initiative on ‘human rights and traditional values’.

The goal of the *Universal Rights Group*’s Policy Platform is to dispel the myth of incompatibility between religion and human rights by bringing together religious and community leaders, human rights defenders, academics and government representatives in a forum for constructive inter-religious dialogue. The Platform will address the historical and theological basis for assertions that certain religious tenants are incompatible with universal norms, deconstruct these assertions through robust argument and analysis, and discuss the role of religion in the legal and political international human rights framework, especially as it relates to the promotion and protection of women and children’s rights.

**Structure and Participation**

The Policy Platform will take place on **Wednesday 18 February 2015** at the Global Ethic Institute, University of Tübingen, in collaboration with the Center for Islamic Theology, Eugen Biser Foundation, Hanns Seidel Foundation, Baden Württemberg Foundation and the Weltethos-Institute. It will be a closed event for a select group of up to 20 prominent experts...
on religion and human rights. The invitees will include representatives from the world’s major religions, delegates from States and the OIC, academics specialising in religious dialogue and human rights, senior officials from the Office of the High Commissioner for Human Rights, and relevant United Nations Special Rapporteurs. These participants will be carefully selected to ensure an equitable gender and regional balance.

Programme

Tuesday, 17 February

Afternoon
Arrival of participants

20:00
Informal dinner
Venue: Restaurant Mauganeschtle
    Hotel am Schloss
    Burgsteige 18

Wednesday, 18 February

9:00 – 10:00
Introduction
Welcome and Introductory Remarks – Prof. Dr. Claus Dierksmeier, Global Ethic Institute and Prof. Dr. Erdal Toprakyaran, Center of Islamic Theology, University of Tübingen

Introductory Remarks – Dr. Ahmed Shaheed, President, Universal Rights Group

Introductory Remarks – Dr. Ibrahim Salama, Director of the Human Rights Treaty Division, Office of the High Commissioner for Human Rights

10:00 – 10:15
Coffee Break

10:15 – 12:30
The relationship between religion and human rights and its impact on the human rights of vulnerable groups, including women and children

Discussion of the philosophical and theological connection between the tenants of the world’s major religions and universal human rights norms, particularly those related to the rights of women, children and disabled persons. The discussion will focus on challenging claims of
incompatibility and the “traditional values” narrative, and rejecting discriminatory practices such as biases in inheritance law, early child marriage etc.

Speakers:
Prof. Peter Antes, Hannover University  
Dr. Stephan Schlensoog, Global Ethics Institute  
Rabbi Nava Hefetz, Rabbis for Human Rights  
Prof. Mouez Khalfaoui, Center for Islamic Theology  
Dr. Nazila Ghanea, University of Oxford (Moderator)

12:30 – 14:00  
Lunch  
Venue: Restaurant Museum  
Wihelmstrabe 3

14:00 – 17:30  
“Religion and Human Rights in International Law and Relations”

Discussion of the interaction between religious tenants and the international mechanisms for the protection of human rights, particularly women and children’s rights, with a focus on the future direction of the work of the Human Rights Council, on how to address discriminatory practices based on religion, to promote freedom of religion and how to tackle religion based reservations to major human rights treaties.

Speakers:
Prof. Heiner Bielefeldt, UN Special Rapporteur on Freedom of Religion and Belief  
Dr. Nazila Ghanea, University of Oxford  
Dr. Ibrahim Salama, Director of the Human Rights Treaty Division, Office of the High Commissioner for Human Rights  
Prof. Peter Antes, Hannover University (Moderator)

17:30 – 18:00  
Concluding Remarks

20:30 – 22:00  
Participants Dinner:  
Venue: Restaurant Casino  
Wöhrdstr. 25
**Thursday, 19 February**

Departure of participants

**Outcome**

The immediate outcome of the Policy Platform will be a summary report outlining the direction and conclusions of the discussion. In the longer term, the material from the Platform will form the basis for a full *Universal Rights Group* policy report on the inherent compatibility between religion and universal human rights norms, and the importance of leveraging that compatibility to protect the rights of vulnerable groups, especially women and children.
Annex 2: Discussion paper

KEY POINTS

PANEL 1: Relationship between religion and human rights and its impact on the human rights of vulnerable groups including women and children

1. Religion or belief
   
   • The expression ‘religion or belief’ comes from international human rights law instruments and underlines the intention to cover all beliefs, including beliefs other than religious ones.
   
   • There is no definition of religion offered in any international human rights instruments, probably due to the sheer diversity of religious ideas in the world.
   
   • It is nevertheless recognised to be the ‘fundamental element in the conception of life’ for believers. The common denominator of religion and belief is acceptance of the existence of something without the backing of sensorial observation, scientific demonstration, or rational proof; that is, convictions founded on metaphysical assumptions (J. van der Vyver).
   
   • The UN Human Rights Committee and other treaty bodies have stated that the terms religion or belief are to be broadly construed to encompass traditional as well as new religions. There are nevertheless some limits that need to be stated. (For example, the Committee found it inconceivable that the cultivation and worship of marijuana could be a protected religion or belief.)

2. Overview of the reservations based on religion or belief

Nature of reservations

• States have opted for different approaches when becoming party to international human rights treaties containing provisions that may be incompatible with religious principles or customs:
Acceding to treaties without entering reservations at all. This is either because the State intends to take all appropriate measures to ensure compliance with the Convention, or because the State is not likely to implement the Convention and therefore does not undertake a pre-accession assessment of the domestic compatibility to the Convention.

Acceding to treaties by entering a general reservation to the entire treaty. Such reservations consist in the limitation of the treaty application as a whole insofar as the obligations are compatible with religious law. These are often referred to as ‘sweeping’ reservations.

Acceding to treaties by entering a reservation to certain provisions of the treaty, that reservation may be precise or quite general (e.g. limited by compatibility with Islamic law or the constitution).

In practice, there are a significant variety of reservations entered referring to Sharia law. Some States have found necessary to enter blanket reservations, which subject the application of the entire treaty to compliance with Sharia (and/or domestic legislation). For example, Djibouti, Iran, Kuwait, Mauritania, Pakistan, and Syria, have reserved the right not to apply any articles of the CRC that would be the “incompatible with the laws of Islamic Shariah”. The Holy See has entered an interpretive declaration stating that the CRC should be compatible with the “particular nature of the Vatican City State and of the sources of its objective law.”

Other States have only reserved the application of specific provisions. In other instances, States have ratified these treaties without any reservations though the domestic legislation clearly presents compatibility concerns.

The actual reference to religion itself varies from one reservation to the other:

- a direct reference to the religion (e.g. to Sharia law)
- an indirect reference – to the constitution and/or domestic legislation, to entrenched customs (including those of minorities within the jurisdiction), to customary law and customs/traditions which in turn entails religion
- and in few cases, justification of practical nature (e.g. Egypt and choice of nationality)
• Furthermore, several countries have opted to enter reservations to specific provisions of treaties such as CEDAW and CRC whilst not having entered reservations to analogous provisions in other human rights treaties. Egypt is one example of a country that has ratified ICCPR without reserving Article 23(4) on equality of rights and responsibilities of spouses as to marriage, during marriage and its dissolution, but when joining CEDAW found it necessary to reserve the analogue provision, Article 16 (Lebanon, Tunisia are other examples).

• Concerning freedom of religion, a number of Muslim States have reserved the provision guaranteeing freedom of religion in CRC but have joined ICCPR without reserving Article 14 on freedom of religion. Various reasons may explain this apparent inconsistent approach (Nisrine Abiad).

Rationale

• Numerous reservations are entered in the name of religion. The inherent conflict and tensions between religion (e.g. Sharia) and human rights is often considered to be behind the State’s reluctance, even if not express in the reservation, to be subject to the full obligations of international human rights instruments. In a majority of cases, reservations are based on readings of Islamic sources identified by the government and based on domestic law and policies.

Tensions with reservations based on religion or belief

• In a number of cases reservations to human rights treaties are necessary and acceptable mechanism of accommodation. Reservations may be used to redress imprecise drafting or to indicate in which way conflicts of rights will be solved. They may also serve as a practical accommodation mechanism to take account of the variety in human rights situation, societies, cultures and economic situations between States parties (Lijnzaad).

• One problem with reservations based directly on religion or belief is that they are imprecise in scope and are open to significant discretion from the author State. For example, as pointed out, Sharia law is not uniform across Islamic communities and has countless interpretations, thus complicating interpretation of such reservations.
• This contributes to an unclear legal environment leaving in doubt the extent to which international standards are guaranteed in the domestic sphere, and which aspects of the rights are not accepted. The practical consequences of unclear and sweeping reservations can be difficult to assess and predict.

• Although the human rights instruments rarely explicitly prohibit general reservations, these reservations affect the application of many provisions of the treaty (e.g. CEDAW). They deprive other States parties, treaty bodies and, most importantly, the individuals subject to the State jurisdiction, from being able to accurately define the obligations of the reserving State. They also make it difficult to determine whether the reservation complies with the object and purpose of the treaty.

• Sweeping reservations have a drastic limiting effect on the States’ obligations to international human rights treaties and result in the reserving State taking on no actual international obligations. Some scholars have criticised such reservations as a total absence of ratification. Such reservations based on religion or belief combine references to domestic law with religious practice. This requires analysis of the reservation to be well versed in the intricacies of both Sharia and the laws of the reserving States.

• Some reservations are in substance problematic, going to the heart of fundamental issues and human rights guaranteed by the treaty, such as gender and legal capacity, and equality in the family. In many cases reservations refer to central and fundamental provisions of the treaty in question and thereby put in doubt the commitment to the implementation of the entire treaty. Examples include reservations to CEDAW (Article 2). Such reservations can severely impact on the implementation of the treaty.

Issues subject to reservations

This section briefly sets out the common issues that are engaged by or subject to reservations to international human rights treaties based on religion.

Gender equality

• Divorce – In some countries women have the right to seek divorce but still face disadvantages as they risk losing the right to alimony or repay the dowry in case they initiate the divorce and cannot prove damage.
• **Guardianship and custody rights** – Women face discrimination in terms of being allowed guardianship over the children as only under certain circumstances can a mother be the guardian over her children.

• **Inheritance rights** – Under domestic inheritance law, which is applied to citizens of all religious faiths, women have the right to inherit but the share of the woman’s inheritance may be half of the man’s if there is one man and one woman with the same relationship to the deceased.

• **Freedom of movement** – In some jurisdictions, women do not have the same rights with regard to the movement of persons as men, and do also need to seek the permission of their husband or father to travel and/or obtain a passport.

• **Nationality** – The passing on citizenship to spouses and/or children. (See CRC Article 7 on the right of a child to acquire a nationality; CEDAW Article 9(1) on the equal rights to acquire, change and retain nationality, and Article 9(2) equal right to pass on nationality to children.) Several States which had originally entered reservations to one or more of these articles have since withdrawn these after amending the domestic legislation regulating issues of transmission of nationality to spouses and children.

• **Polygamy** – The Jordanian government relies on one religious interpretation that permits polygamy, although there are other interpretations, like the one used by Tunis to ban polygamy.

• **Other issues** – e.g. Public office, judicial testimony, age of maturity and legal and criminal responsibility, punishment and remedies.

**Freedom of religion**

• **Apostasy** – This concerns the right to change one’s religion and the crime of apostasy. (See ICCPR Article 18 and CRC Article 14.)

**Freedom of Expression**

• **Blasphemy and apostasy laws** – e.g. moharabeh (enmity against god)
Cruel, inhumane or degrading treatment or punishment

- *Criminal punishments* – e.g. hudud crimes and punishments, stoning etc.

Adoption

- Article 20 CRC affirms that alternative care for children must be provided in accordance with domestic legislation and recognises the different options of such care including adoption and the Sharia version of adoption, Kafalah. Still several Muslim countries have entered reservations to these articles with reference to Sharia law, which does not allow for adoption. Out of the countries originally reserving these articles, only Egypt and Indonesia have to this date removed these.

3. The issue of non-State actors using religion to curtail women’s rights and children rights

Recent events in Nigeria and Iraq have demonstrated the misuse of religion by non-State actors to curtail women’s and children rights.

How should religious leaders, States and the international community react to these violations? What are the measures that could be taken?
Reservations to Human Rights Treaties entered with reference to religion, laws based on religion or religion-related considerations

1. Introduction

Reservations to Human Rights treaties have long been on the agenda of States, the United Nations (UN) treaty monitoring bodies and non-governmental organisations. The trend of entering reservations to the United Nations human rights treaties increased, in particular, when the Convention on the Elimination of All Forms of Discrimination (CEDAW) and the Convention on the Rights of the Child (CRC), attracted widespread ratifications with reservations in the 1990s.

Whilst States have entered a diverse range of reservations to the UN Human Rights Treaties over the past forty years, one particular type of reservation stands out. These are reservations to Human Rights Treaties entered with reference to religion, domestic laws based on religion or religion-related considerations (hereinafter, reservations with religious references). Reservations with religious reservations evoke political sensitivity in the international arena. Yet, there is little known about the nature and scope of such reservations, the international legal practice in handling such reservations and the practices of States in reconsidering entering and withdrawing reservations with religious references.

States that enter reservations with religious references to human rights treaties come from Europe, Asia, Africa and Americas representing a diversity of religions. Reservations with religious references are from States with established religions, as well as from States that exercise legal pluralism with regard to diverse religious groups in their countries. States make reference to their Constitutional orders, domestic laws or traditions and customs when entering reservations with religious references. To date, States have entered reservations with religious references to five out of nine core UN Human Rights Treaties: the International Covenant on All forms of Racial Discrimination (ICERD), the International Covenant on Civil and Political Rights (ICCPR), the CEDAW, the CRC and the Convention on the Rights of Persons with Disabilities (ICRPD).
Table 1: The ratio of normative and religion/tradition based reservations

<table>
<thead>
<tr>
<th></th>
<th>Number of State Parties</th>
<th>Total Normative Reservations</th>
<th>Total Normative Reservations Based on Religion</th>
<th>% Total Normative Reservations Based on Religion</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEDAW</td>
<td>188</td>
<td>434</td>
<td>267</td>
<td>62%</td>
</tr>
<tr>
<td>CRC</td>
<td>194</td>
<td>435</td>
<td>204</td>
<td>47%</td>
</tr>
<tr>
<td>CAT</td>
<td>156</td>
<td>44</td>
<td>11</td>
<td>25%</td>
</tr>
<tr>
<td>CRPD</td>
<td>151</td>
<td>93</td>
<td>19</td>
<td>20%</td>
</tr>
<tr>
<td>ICCPR</td>
<td>168</td>
<td>386</td>
<td>40</td>
<td>10%</td>
</tr>
<tr>
<td>ICESCR</td>
<td>162</td>
<td>48</td>
<td>3</td>
<td>6%</td>
</tr>
<tr>
<td>ICERD</td>
<td>177</td>
<td>17</td>
<td>1</td>
<td>6%</td>
</tr>
</tbody>
</table>

As the table above shows, CEDAW has the largest number of reservations based on religion-tradition followed by the CRC. These two treaties both have nearly universal ratification and overall have the highest number of normative reservations. CAT has attracted few reservations, but religious considerations have motivated one fourth of these. The CRPD, which only entered into force on 3 May 2008 has attracted one fourth of its reservations motivated by religious concerns. The ICCPR overall has the third largest number of reservations, and only a limited number of those reservations are reservations motivated by religious considerations. Finally, the ICESCR and ICERD both have a small number of normative reservations in which religious motivations have played a limited role. The sole reservation motivated by religious concerns to the ICERD is the Saudi Arabian reservation. This is a general reservation that Saudi Arabia entered to the treaty as a whole.¹

2. CEDAW Reservations

In the case of CEDAW, religious-based reservations are most prevalent in the sphere regulated by family law. They, however, are also present in the fields of civil law, nationality law and economic law. Article 16 of the CEDAW and its individual provisions has by far

¹ The Saudi Arabian reservation to ICERD reads: ‘[The Government of Saudi Arabia declares that it will] implement the provisions [of the above Convention], providing these do not conflict with the precepts of the Islamic Shariah’ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&lang=en#EndDec last accessed on: 15.11.2014.
attracted most reservations with religious grounds. Article 16 regulates equal rights of men and women in the family:

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
   a. the same right to enter into marriage;
   b. the same right freely to choose a spouse and to enter into marriage only with their free and full consent;
   c. the same rights and responsibilities during marriage and at its dissolution;
   d. the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
   e. the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
   f. the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
   g. the same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
   h. the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Of the reservations entered to CEDAW Article 16, whilst some States have entered a general reservation to all provisions of this Article, others have particularly focussed on specific provisions. Article 16(1) c that accords same rights to men and women during

\footnote{We have counted 58 reservations based on religion to this paper.}
marriage and after dissolution is the most reserved sub-provision under this Article. This is followed by according same rights with regard to guardianship, wardship, trusteeship and adoption of children, rights to choose a family name and having same rights and responsibilities as parents. All of these reservations seek to protect the privileged position of men in family relations.

The distribution of States in the world that have entered reservations to Article 16 point out that countries with predominantly Muslim populations or States that have adopted Islam as a State religion are more likely to enter reservations to Article 16. The exceptions of these are reservations entered by Israel, Malta, Micronesia, Mauritius, Singapore and India.

The second most reserved provision of CEDAW on religious considerations is the right of women to pass their nationality to their children. This is a reservation that predominantly comes from Muslim States. Women rights activists in Muslim States question whether this reservation can be religiously motivated as Islam does not approach men and women based on citizenship. This reservation also points to the difficulties of identifying religious considerations from long standing cultural or political economy considerations.

The third most honed in Article in terms of religion is Article 15(4) of CEDAW. Article 15(4) gives equal rights to women and men with regard to freedom of movement and the freedom to choose their residence and domicile. This reservation also exclusively comes from Muslim countries.

An important pattern of religious reservations to CEDAW concerns the reservations made to Article 2. Article 2 is the policy measures’ article where each State party promises to ‘condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay’. Reservations made to Article 2 in effect operate as general reservations to the treaty as a whole as the States are reserving the right to take measures to fight discrimination. Furthermore, of all the sub-provisions of Article 2, provision 2(f), which requires States ‘including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women’ has received most reservations.

In conclusion, reservations based on religion to CEDAW seek to protect the status quo in the domestic contexts with regard to the place of women in the family, where men, as the head of the family, have a privileged position. These reservations further seek to ensure that the primary location of the women remains within the family. Reservations on freedom of movement, non-discrimination in employment, and resistance to modify existing laws,
customs and regulations reinforce this understanding. It is no surprise that the CEDAW Committee have systematically queried the compatibility of the object and purpose of these reservations with CEDAW and identified Article 2 and Article 16 as ‘core provisions’ of the treaty that makes reservations to such Articles impermissible to realise the object and the purpose of CEDAW in all States parties.³

3. CRC

In the case of the CRC, reservations based on religion are prevalently placed on the adoption of children. Article 21 on adoption is the most reserved Article of the CRC. Canada has joined a bloc of Muslim States in entering a reservation on adoption. The significance of adoption from a religious perspective lies in the different norms that underpin adoption in Muslim States. In Islamic law, adoption, which creates family bonds comparable to those created by biological filiation, is prohibited. Instead, Islamic law provides for a form of guardianship called “kafala”. Adoption in western legal tradition on the other hand gives an adopted child identical rights to a biological child.⁴

Following adoption, Article 14 of the CRC that protects the right of children to freedom of religion is the article that is most reserved on religious grounds. This reserving position on this Article is also dominantly taken by Muslim States, but also shared by the Holy Sea and Kiribati. The Article 14 reserving States view the child essentially a member of his/her family and community rather than as an individual autonomous agent. Reservations based on religion to Article 14 are at times coupled with reservations to Article 16 that grounds the right of privacy of children and Article 17 that allows children to access information from media, including spiritual information.

We also find that religious grounds are invoked to question the definition of a child (Article 1 of the CRC), ways of punishing a child (Article 2 of the CRC) and the right to health of a child, including information on reproductive health (Article 24). In parallel to CEDAW, States have also reserved the right to accord a nationality to a child.

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⁴ On the norm conflict between adoption law in Islam and in the western legal tradition, see Harroudj v. France judgment of 4 October 2012 of the European Court of Human Rights.
The religion-based reservations to the CRC also dominantly come from States with majority Muslim populations or constitutionally Muslim States. Countries in Americas, namely, Argentina and Guatemala as well as the Holy Sea has also entered reservations\(^5\) that we qualify as based on religious-grounds. Alongside the specific institution of Islamic adoption, CRC reservations on religious grounds view the child as inseparable from her family and community and seek to protect the private domain of the religious family from external interference.

4. ICCPR and ICESCR Reservations on Religious Grounds

The ICCPR and ICESCR have not attracted widespread reservations on religious grounds. This is partly explained by the nature of obligations in these two treaties. Unlike the CRC and the CEDAW, the ICCPR and ICESCR are more concerned with rights in the public sphere. In addition, Article 2 of the ICESCR subjects all rights, with the exception of non-discrimination, to the progressive realization of States subject to their maximum available resources. In effect, reservations on religious grounds to the twin Covenants primarily focus on the equality clause between men and women (Common Article 3 to the ICCPR and the ICESCR Article 3). This echoes the significance of religious sensitivities in States when it comes to protection of women’s rights. A corollary to this concern is reservations to Article 23(4) to the ICCPR, mirroring Article 16 reservation to CEDAW, concerning equal rights in marriage.

Unlike Article 14 of the CRC, the ICESCR Article 13 requires States “to ensure the religious and moral education of their children in conformity with their own convictions”. Whilst this provision has not attracted any reservations from Muslim majority States, Malta, in its reservation, indicated at this is not possible to respect this right for all religious groups due to predominantly Roman-Catholic population present in Malta.\(^6\)

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\(^5\) Holy See has extensive reservations to the CRC, including Articles 13, 14, 15, 16 and 24(2).

\(^6\) The full reservation reads: "Article 13 - The Government of Malta declares that it is in favour of upholding the principle affirmed in the words and to ensure the religious and moral education of their children in conformity with their own convictions. However, having regard to the fact that the population of Malta is overwhelmingly Roman Catholic, it is difficult also in view of limited financial and human resources, to provide such education in accordance with a particular religious or moral belief in cases of small groups, which cases are very exceptional in Malta."
5. CRPD

As a young treaty, the CRPD has very speedily attracted a large number of ratifications and a considerable number of reservations. Religious considerations do not play a significant role in the CRPD reservations. More significantly, Muslim countries that have entered reservations to the older treaties, namely the CRC and the CEDAW have ratified the CRPD with no reservations, with the exception of Iran and Egypt. For example, Saudi Arabia, that has entered general reservations to all treaties it has thus far ratified, ratified the CRPD with no reservations and accepted the right to individual petition to the CRPD Committee. This shows the dynamic nature of reservation-entering and it may point to an important trend, where religious considerations may not be dominant to reservation-making rationales of States with close ties to religions.

With regard to the CRPD, reservations based on religion cluster on two issue areas: the sexual and reproductive rights of the disabled (Article 25(a)), and the rights of persons with disabilities to marry, found a family and decide on the spacing of their children. Article 25(a) is the most reserved article on religious grounds. Article 25 is a general provision concerning the right to health of persons with disabilities. Article 25(a) reads:

States Parties shall:

a. Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes.

Three countries – Malta, Lithuania and Poland – have entered reservations to 25(a) without direct reference to religion, but these reservations are in par with the broader concerns of paying due regard to the rights of the unborn child.

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7 Iran has a general reservation to the CRPD.

8 On this point, see also, Section 4 on the reservation withdrawal practices of Muslim States.
6. Freedom of religion and freedom of expression in the protection of women’s and children’s rights

Freedom of expression and freedom of religion or belief are complementary and mutually reinforcing, their concomitant realization guaranteeing the free expression of a diversity of opinions, beliefs and convictions. While limits to freedom of expression are outlined by international law, there has been deep division around the turn of the century among Member States on clear demarcation on the complementarity of these rights. In order to overcome deep divisions among its Member States, the United Nations adopted resolution 16/18 at the Human Rights Council and held a series of consultation between experts of all regions to identify and specify the scope of restrictions to freedom of expression permitted under international law. A Plan of Action was adopted in Rabat, Morocco. The Rabat Plan of Action recognised in particular that the exercise of the right to free expression is the rule and prohibition is the exception and that “blasphemy laws are counter productive since they may result in censoring inter-religious dialogue and health debate”.

In 2014 in Mauritania, Aminatou Mint El Moctar, Chair of the Association of Women's Heads of Households, was the target of a fatwa simply because she defended those prosecuted for apostasy. In Viet Nam, Bui Thi Ming Hang, Nguyen Van Minh and Nguyen Thi Thuy Quynh were sentenced to several years of imprisonment for causing public disturbances because they defended freedom of religion and belief.10

In parallel, in many parts of the world, we have seen an upsurge of movements targeting religious groups in the name of religious or cultural protectionism, sometimes promoting and taking part in violent attacks. In Burma/Myanmar, Rakhine nationalists have targeted the Muslim Rohingya minority, who are subjected to discriminatory laws and policies and have in the past three years been victims of increasingly blatant mob violence with almost total impunity. In Sri Lanka and Pakistan, violence has been incited by a range of State and non-State actors against religious minorities, and governments continue to fail to protect these minorities in law and practice. In Europe, anti-Muslim groups like “PEGIDA” in Germany have taken hate speech to the streets.

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9 See Articles 19(3) and 20 of ICCPR.
There is a need to reflect on the implication of these events on human rights, particularly women and children’s rights. More so, the Human Rights Council is currently at the centre of these challenges to the universality of human rights.
Annex 3: Panellists' biographies

Dr. Ahmed Shaheed is UN Special Rapporteur on the human rights situation in Iran and former Minister of Foreign Affairs of the Republic of Maldives. Formerly a Visiting Professor at Maldives National University, he is now Visiting Professor of Human Rights Practice at the University of Essex in the United Kingdom.

Dr. Shaheed obtained his first degree from the University of Wales and his PhD from the University of Queensland. In 2009, he was conferred the Muslim Democrat of the Year award by the Center for the Study of Islam and Democracy in Washington for his contribution to human rights and democracy. In 2010, he was awarded the Presidential Medal of Gratitude by Albania for his contribution to peace in the Balkans and an Honorary Professorship by University Aab-Riinvest in Pristina for his promotion of the human rights of the Kosovar people.

Prof. Dr. Claus Dierksmeier is the Director of the Global Ethic Institute at the University of Tübingen, Germany (since 2012). Before, he had worked as Distinguished Professor of Globalization Ethics and Co-Director of the Sustainable Management and Measurement Institute (SUMMIT) at Stonehill College in North-Easton (Boston), Mass., USA. He was also assistant professor in Jena (Germany) and Visiting Professor and Research Fellow in Spain, Uruguay, Argentina, and Yale University, and taught executive and graduate courses in CSR, economic philosophy, and humanistic management in Berlin (Humboldt-Viadrina Governance School, Steinbeis Universität) and Barcelona (IQS, Universitat Ramon Llull). His academic work (several books and numerous articles in English, German, and Spanish) is centered on political, economic, and religious philosophy with a particular focus on the theories of freedom and responsibility in the age of globality. Of particular importance is his work as an editor in the Humanism in Business Series.

Prof. Dierksmeier is also working as a strategy consultant both in politics and business, e.g. for the Strategy Institute of the Boston Consulting Group. He serves on the Board of Directors of The Humanistic Management Network and is Academic Director of The Humanistic Management Center in Berlin. In both organizations he spearheads efforts towards a new paradigm of humanistic economics.
**Dr. Ibrahim Salama** is Director in the Human Rights Treaties Division at the UN Office of the High Commissioner for Human Rights (OHCHR). He joined the UN in 2007, having worked from 1981 to 2007 in the Egyptian Ministry of Foreign Affairs in a progressive legal adviser career up to the level of Assistant Minister for Legal Affairs and also in numerous diplomatic posting assignments including Paris, New Delhi and Geneva as Deputy Permanent Representative (1997-2001), then Lisbon as Ambassador of Egypt (2003-2007). Before joining OHCHR he was also: a member of a number of human rights mandates as an independent expert of the Sub-Committee on the Promotion and Protection of Human Rights (2003-2007); president of the Intergovernmental Working Group on the Right to Development, achieving consensus outcome during four sessions of the IGWG (2003-2007); member of the group of experts in the Lausanne process, selected by the Swiss Government, to help States while negotiating the institution building package of the Human Rights Council (2005-2006); and co-chair of the drafting group of the UN declaration on human rights defenders (1998-1999).

**Prof. Dr. Heiner Bielefeldt** is UN Special Rapporteur on freedom of religion or belief; Professor of Human Rights and Human Rights Politics at the University of Erlangen-Nürnberg (Germany); and former Director of the German Institute for Human Rights (2003-2009). Prof. Bielefeldt’s research interests include different interdisciplinary facets of human rights theory and practice. In his theoretical publications he inter alia deals with the philosophical foundation of human rights, intercultural and interreligious human rights dialogues (with a particular focus on different Islamic interpretations), the contribution of Kantian philosophy to understanding human rights, religious and secular legal concepts, the axiomatic principle of human dignity, the interrelatedness of different human rights. More practically oriented publications cover topics, such as the prohibition of torture, the rights of persons with disabilities, anti-discrimination policies and various aspects of multiculturalism.

**Dr. Nazila Ghanea** is an Associate Professor of International Human Rights Law at the University of Oxford and serves as a member of the OSCE Panel of Experts on freedom of religion or belief. She serves on the Board of Governors of the Universal Rights Group and is an Associate Director of Oxford Human Rights Hub. She has authored, co-authored and edited a number of academic and UN publications including: *Religion or Belief, Discrimination and Equality: Britain in Global Contexts* and *Human Rights, the UN and the*
Bahá’ís in Iran. She is co-author, along with Heiner Bielefeldt and Michael Wiener, of a forthcoming Oxford University Press monograph and recently completed a research grant looking at the domestic effects of UN treaty ratification on the member states of the Gulf Cooperation Council (GCC).

**Prof. Peter Antes**, DD and PhD, is Professor emeritus of the Study of Religions at the Leibniz University of Hannover (Germany). He studied Roman Catholic Theology, Religious Studies and Islamic Studies at the Universities of Freiburg (Germany) and Paris. He got his DD and PhD as well as his Habilitation in Freiburg. From 1973 to 2012 he taught Religious Studies in Hannover. He was also visiting Professor in different universities, among them the I.C.U. in Mitaka/Tokyo and the Gregoriana in Rome. Prof. Antes was President of the "International Association for the History of Religions" (IAHR) from 2000-2005. His fields of research are Contemporary Islamic Ethics, Problems of Methodology in the Study of Religions, and Religions and Religious Movements in Europe.

**Rabbi Nava Hefetz** is currently the Educational Director of Rabbis for Human Rights. She runs dozens of programs dealing with Human Rights in Israel and overseas, and developed an interdisciplinary program aiming to teach Human Rights from Jewish and International perspectives. Rabbi Hefetz has a BA in French Linguistics, French Literature and Philosophy, and an MA in Education and Jewish Studies from the Jewish Theological Seminary. She worked at the Diaspora Museum as educator and curator of 4 exhibitions (1978-1988), as regional coordinator in Melitz – Centers for Jewish-Zionist Education (1989-1994), and as Senior Program Director and Acting Director of the Charles R. Bronfman Centre for Mifgashim (1994-2000). As a Rabbi, she served in the Jewish Congregation of Pretoria and Shanghai – China, and received an award of Excellency from the Hebrew Union College-Jewish Institute of Religion (HUC) in contributing to the Israeli Society.

**Dr. Stephan Schlensog** is the acting secretary general of the Global Ethic Foundation in Tübingen and also served as the Managing Director of the Global Ethic Institute at the University of Tübingen until 2014. His work is focused on issues pertaining to the world’s religions, as well as to moral and ethical questions. After an extensive investigation of the three Abrahamic religions – Judaism, Christianity and Islam – Dr. Schlensog worked together with the Swiss theologian Prof. Dr. Hans Küng to produce “Tracing the Way” (1995-1999), a
multimedia project on the world’s major religions, for which Dr. Schlensoog developed a CD-ROM. In 2006 he presented a comprehensive analysis of Hinduism, a work that has since served as the foundation for numerous articles and subsequent publications. His interests include interfaith research, the implementation of a Global Ethic media strategy, as well as the development and communication of the Global Ethic idea in schools, the education sector, and in the various sectors of society. In addition to his diverse interests in intercultural topics, the notion of a “Global Economic Ethic” and the practical implementation of business ethics, serve as the current focus of his work.

**Jun.-Prof. Dr. Erdal Toprakyaran** is Junior Professor for Islamic history and contemporary culture at the Center of Islamic Theology in Tübingen and executive Director of the same institution. His main research areas are History and Culture of Muslims in the Ottoman Empire and the Turkish Republic, Islamic Mysticism and Muslim-Christian Relations.

Prof. Toprakyaran has a Ph.D. in Islamic Studies from the Heidelberg University, and then obtained a post-doc scholarship from the Gerda-Henkel-Foundation and worked at Ruhr University Bochum on Muslim networks of education in the 17th-18th century. He then worked as teacher of Islamic Religion at Duisburg, as senior researcher at the Eugen-Biser-Foundation in Munich (2009-2011) and as academic coordinator at the Goethe University in Frankfurt a.M. (2011-2012).

**Prof. Mouez Khalfaoui** is a Professor of Islamic Jurisprudence at the University of Tübingen, Germany (since 2012). He received a Master degree of Arabic and Islamic Studies from the University of Tunis, followed by a State Examination (degree) in Islamic Studies, and a PhD from the University of Erfurt. He was a teacher for Islamic Civilization and Arabic Literature at secondary and tertiary levels in Tunisia and then he lectured Arabic at the Martin-Luther University and the University of Erfurt. He was a research associate at the Georg Eckert Institute for International Textbook Research (2007-2009), and Lecturer for Islamic Studies and Arabic Linguistic at the University of Berlin (2009-2012). Prof. Khalfaoui’s main research fields are Islamic Law and its History, Islamic Law as Minority Rights, Arabic and Islamic Literature, the Education and Pedagogy of Islamic Religion, Ethics, Didactics, and Interreligious Studies. He has authored and co-authored some 25 articles and books, and has written 4 Reviews in various Journals.
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