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2020 Faith for Rights Instagram Live Edited Transcript:

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[This is a non-literal brief written by the Nelson Mandela World Human Rights Moot Court Competition]

Mr Ibrahim Salama is Chief of the Human Rights Treaties Branch-OHCHR (since 2007) and Coordinator of the OHCHR *Faith for Rights* initiative. He is also an independent expert within human rights mechanisms, as a member of the Sub-Commission on the Promotion and Protection of Human rights. He is Co-chair of the drafting group of the Declaration on Human rights Defenders, and Chairperson of the UN working group on the Right to Development.

Ana Teresa C. Khatounian is a Project Assistant to the Nelson Mandela World Human Rights Moot Court Competition and a masters candidate at the Geneva Academy of International Human Rights and Humanitarian Law.

Ana Khatounian: Mr Salama, thank you so much for being with us here today. It is a pleasure to have you here to speak a bit about the OHCHR's *Faith for Rights* Framework and its origins, challenges and good practices.

My name is Ana Teresa, I am a Project Assistant to the Nelson Mandela World Human Rights Moot Court Competition.

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To set the grounds for this conversation, I would like to inform that this video will be recorded and made available in our official pages in Spanish and French as well.

Further, please do not hesitate to interact with us. If you have any questions, please just write them in the comments below and will address them throughout the conference.

I would also like to leave the small note for undergraduate and graduate students of any field of knowledge throughout the world: registrations for the 12th World Moot are currently open! We already have over one hundred universities registered from across the globe, of which over a 101 will be competing in English, 12 in Spanish, and 9 in French.

Further, 36 of these universities are from the African region, 23 from the Asia-pacific region, 15 from Latin America, and 14 from Western Europe and others, and 3 from Eastern Europe so be especially encourage participation from the Francophone and Spanish speaking communities.

Without any further delay, I would like to briefly introduce Mr Salama and then invite him to also introduce himself. I would also like to thank the Office of the High Commissioner for human rights for making this event possible and Mr Eduardo Kapapelo, Coordinator of the World Moot.

Mr Salama has served for over 30 years as a diplomat, predominantly with multilateral organizations, he has been director of International Legal Affairs at the Egyptian foreign service, he is an independent expert with human rights mechanisms, he was Chief of the un secretariat of the Durban conference in 2009.

He is currently Chief of the Human Rights Treaty Branch of the OHCHR since 2007. He is also the coordinator of the OHCHR initiative that emanates from the Durban Review, the prohibition of incitement to hatred and coordinator of the OHCHR's faith for rights initiative.

As you can see, Mr Salama has a very wide range of experience, not only with issues relating human rights Faith actors, but also a thorough understanding of the human rights framework. That said, Mr. Salama, I wonder if you could tell us a bit about yourself, your work at the OHCHR and what led you to spearhead the creation of the Faith for Rights Tool Kit.

Ibrahim Salama: One can summarize the history of the human rights movement with one interesting parameter: it always goes nearer to the people. Everything at the UN is intergovernmental, it is an

intergovernmental organization, but progressively, over the 75 years we are celebrating since the UN's creation, it has been increasingly going nearer to the individuals.

This involves going from the notion of state responsibility to non-state actor's responsibility. This ranges from business and human rights to the individual responsibility to the militias, for example, in humanitarian law, but also the faith actors who, I would say, among the late comers into the arena of the United Nations.

Ana Khatounian: Thank you so much for this introduction. When one reads the Beirut declaration, it's very clear that it's a very different document one side the citations of the different religions and on the other Faith for rights tool kit circuit that accompanies that in that has a very practical and engaging approach. Thus, I wonder what led you to create the Faith for Rights Tool kit.

Ibrahim Salama: The Declaration the Declaration of Beirut of 2017 on Faith for Rights is composed of two documents: a Declaration and 18 Commitments that correspond to it. It either articulates and defines the faith actor's role and responsibilities in the area of human rights.

This was the very global attempt to conceptualize the relationship between religion and human rights. Before that, there has always been encounters, predominantly I have to say controversial and difficult. One of the reasons, in my personal view, is that the overall – I don't want to say philosophical – but perhaps intellectual relationship between rights and relations has never been clarified.

There have been so many interesting in attempts. At the OHCHR, we had an opportunity to “pull the thread” at the Durban review conference in 2009, The issue of the religions and the politics related to it was important. I won't go into the details of this, but I would like to mention that religions became an issue and often, it's not about religion in reality but about human interpretation of religions. It's about manipulation of religions, misuse of religions as a vehicle to serve an ideology or a political interest.

Thus, unpacking what is religion and what is human interpretation of religion was the first intellectual premise in clarifying this relationship. The second premise that came up in Beirut was that, if you look at the literature and the encounters, they are either apologetic, in which people from different religious traditions try to explain that they are not against human rights. Or, on the other extreme, i.e. confrontational or in the in between what I call “opportunistic” or at best sectarian, i.e. we speak only about one specific uncontroversial issue, then withdraw.

There are reasons for this: the first is secularism; the important principle that the state has to be neutral; the second, is freedom of religion. However, treating freedom of religion in isolation of other human rights can create perceptions tensions. For example: if you have freedom of religion, are you allowed to say anything and everything? Can freedom of religion limit freedom of expression? Or are they reconcilable, and how?

Starting in Beirut, the tensions were not denied, the scope of the tensions were simply defined. This declaration is also based on what I call “common conversions.” What is common among all religions? This is because at the UN, we cannot deal with one religion. In fact, article 18 of the ICCPR that defines the freedom of religion, we always forget the second part of the sentence, which is freedom of religion ‘or belief’. This is the case of atheism, for example. One has the right not to have a religion, and this is a belief that has the same equal human rights protection to freedom of conscious as those who have ‘classic’ religious traditions.

This is also a dormant tension. The believers versus the non-believers. The non-belief is a belief in itself and should be protected. These are the tensions that exist. However, there are also common points as well.

I would say that these are perhaps 5-10% of the content of Human Rights and Religions; why not work on the other 90-95%? Thus, focusing on the “common conversions” means identifying the common points between the different religions and also religions and human rights and these points led to the 18 Commitments of Faith for Rights.

Ana Khatounian: That is very interesting, especially considering the traditionally supposed opposition between religions or beliefs and human rights, but in the end many of their benchmarks and many of their premises are the same.

I was wondering if you could now share with us a bit of the rabat plan of action and how national judicial systems and States could engage with the plan in a thorough way.

Ibrahim Salama: In fact, the Rabat Plan of Action was the first step towards the Beirut Declaration; the difference is 5 years. And this is quite fast in terms of standard setting in international sphere. The Rabat is a plan to combat incitement to hatred and discrimination and it set responsibility for a number of actors, including religious actors.

And these were the specific commitments that prevented religious actors from using or promoting incitement to hatred and that if such happened in name of the religion, they would make a second commitment to distance themselves from this. The third commitment was to contain people when they, in the name of religion, feel offended. Because whether we like it or not, there is no right not to be offended: the freedom of speech, even if it goes to the borderline of being an irresponsible speech, as long as it does not incite to an action that discriminates or is violent for someone, then it is legal. Freedom of expression is the foundation for all human rights. If you cannot freely express your views, no other human rights can be defended. This was Rabat: 2012.

The fact that Rabat was very needed and that showed that it was useful was its role in distinguishing, through a practical test, between hate speech and free speech, which should be done on a case by case basis. What is the content of the speech? Who is this speaker, what is his status? In what context this person is speaking and what is his or her relationship to the audience and what is the probable impact of what is being said.

If the five (5) practical criteria lead to the fact that the person has particular influence – and this applies very squarely to religious actors because they speak of spirituality; they have a leverage upon the recipients of the discourse. This means they have to be even more careful about what they say. Religion does not justify ‘anything’ that one says in the name of his or her religion or belief. But one needs a criterion; a practical test.

This is also relevant for social media such as Facebook, because social media is the main theatre in which this borderline between hate speech, free speech and fake news which can also be part on incitement to hatred, depending on the case, Facebook found the relevance of this and they collaborated with the OHCHR by assisting in the translation of the Rabat into 32 languages.

Human Rights do not belong to lords; they are not an issue to discuss [only] at the United Nations: it is in the territory, in the street, in the village, in the street as well.

Ana Khatounian: Yes, of course, and I think this is one of the greatest fights that we have as human rights activists, practitioners, and scholars is to bring it back to the real world: to leave the cocktails and to leave a bit the UN and come back to the real world.

That said, I would like you to speak a bit more about the impact of the tool kit on governments and on religious leaders. How has it been concretizing?

Ibrahim Salama: We just now starting to put it in practice. It was vetted only last December; it has only been six months. During these 6 months, the interactions have been very eye-opening, positive and encouraging.

This is a document that is meant to empower individuals and communities. States have the primary responsibility for ensuring human rights, including freedom of religion and belief. But there are also many non-state actors of influence in places and communities where sometimes states have little leverage. This is a document that is first and foremost for faith communities, faith actors, individuals in their own spheres of influences more than a document that requires state action as such.

If you look at the document, it is a bit overwhelming, it has 105 pages, but I always make the analogy: consider this as a menu. If you go into a restaurant, you don't choose all the main plates or all the deserts; you select what you want to target and address as faith actors. It is a peer-to-peer learning tool on various subjects such as freedom of expression, women's rights, economic rights, etc, what is the comparative view of religious traditions seen from the prism of human rights and what is the result of this unpacking and interaction.

When I say that we need to get closer to the people, we also need to address the narrative. The whole rationale is to have a narrative that is not too legalistic. You will find in the toolkit videos, encounters, statements, pieces of art, calligraphy, music, etc. One of our peer-to-peer learning modules is in fact called "get inspired," which allows participants to get from their own cultural spheres artistic expressions that reflect the commitment in question, either by supporting or contradicting it. The idea is to start to speak a different language, not the legal language that is usually used to speak of human rights or multilateralism.

Ana Khatounian: Following up on that, I wonder if you could expand a bit more specifically on the inclusion of with moot courts in the toolkit and various hypothetical cases, because this dialogues a lot with our moot court. As you know, this year our hypothetical cases involved freedom of religion and human rights, so it would be great to hear you speak a bit about that.

Ibrahim Salama: Frankly, we were greatly inspired by your experience in the World Moot because, ultimately, we want to simulate real life situations in a convincing way. Given that the moot court is basically addressed to law students and the preparation of young researchers of law, we wanted to be less legal because our audience is different.

This is why you will find that Tool Kit has 18 modules of peer-to-peer learning; of exercises to be adapted by the learners, but the second half of the document, almost 50 pages, is of cases to debate. This is an analogy to moot courts, which we simplify to suggest provocative cases, cases that are difficult.

The beauty of the toolkit is thus that it does not even attempt to bring answers; it adds more questions because it aspires to inject two things: first, interreligious; interfaith. Secondly, critical thinking in the religious sphere. In a nutshell, religions in one word, back “submission. This is what one thinks when you hear the term, and words matter. They come loaded, and we need to unpack them. Instinctively, religion means automatically “submission,” human rights would mean, automatically, “liberation;” they are seen as contradictions.

We wanted to break the silence to say that in human rights there is also a debate and in religion there is also freedom of expression. Examples from the religious traditions about dialogues and disagreements are inspiring, I wonder how it came to be this perception that religion is only about submission when religion is also, like human rights, about liberation. Religions were among the first sources of the concepts of human rights and dignity in the first place; how could they be against this?!

Of course – and here comes the human factor, because humans can distort almost anything, which is why we need to put these two disciplines into question and compare notes between them.

Ana Khatounian: Thank you, that was very enlightening. I would like to ask you now about the five basic principles, namely “Transcending traditional inter-faith dialogues into concrete action-oriented Faith for Rights (F4R) projects at the local level” (Principle 1), “Avoiding theological and doctrinal divides” (Principle 2), Introspectiveness ” (Principle 3), “Speaking with one voice” (Principle 4), and to “act in a fully independent manner” (Principle 5).

I would like you to speak about introspectiveness. I think it is not something we often don’t speak about in the human rights world; thus, I wonder if you could with our listeners exactly what is introspectiveness in this context? What is the goal of this third principle?

Ibrahim Salama: This third principle is an anti-politicization and manipulation principle. Introspectiveness is an antidote to manipulation in the name of religion, because religion is often used as a shield and sword to attack others. In practice, where consciously or unconsciously, state and non-state actors are using religion for a purpose. Instead of looking at themselves, they look at others only.

This criterion is related to sincerity and is present in the various religious traditions. Introspectiveness means that if you would like to engage with religion, you have to start with yourself. It means that you begin by ‘putting your own house in order’ before asking others to do the same.

Thus, the five principles were the lessons learned from the recent history of religion and its relations to politics, to human rights; to interreligious encounters, because at times they are only dialogues and nice photo sessions, and at others they are tools of war and killing in the name of god. The ‘in between’ was missing; there was no – forgive me for the term – rules of engagement in the most peaceful sense of the word.

Hence, we do not need to speak about theology, because we are not here to convert anyone or to say what we think of religion or spirituality; we only need to speak and exchange on the common grounds, and this has to start from each person and respect and then contemplate the five principles.

Ana Khatounian: Thank you. In fact, this applies to too many situations in life. It is important to focus on within oneself before we can actually expect the world or others to follow.

To conclude, I would like to hear a bit about what are your perspectives or your long-term goals with the Tool Kit. In other words, what do you think the tool kit will lead to, considering the gap it was created to fill?

Ibrahim Salama: We hope that the tool kit will contribute to enlarging the civil society space.

Inviting an actor (religious actors) that have been side-lined by too long either because of relativism or fear that religious discourse is dogmatic, while human rights is engaging and thus concluding that they do not mix well, we hope that it will add to the human rights protection and universality. We hope that it will create a new narrative. It is not only about faith for rights, but also about art for faith for rights. It is culture that does not compromise on rights, but that shows that universality is a permanent construct in the making and that we will never reach perfection.

Examples are artificial intelligence, or even this pandemic. These events define humanity and the structure on which our organizations, societies and even lobby spaces will have to take place. These events remind us that ESCR are also fundamental and that if they remain aspirations, they will remain what they are at the present moment. The empowerment of others and rights should not be a matter of

charity, even in religions and despite the fact that religions are generally associated to charity. In my view, this is another terminological trap because, in most religious traditions, solidarity is a duty, and not charity.

Ana Khatounian: Yes, indeed, and charity is very different from empowerment and from solidarity. I think that, last but not least, what advice would you give to the moot participants who are currently engaging with the case and the very state of art and very difficult issues involving religion, human rights and freedom of expression. What would be your call out to them?

Ibrahim Salama: I really look forward to the World Moot with a lot of excitement, especially because it presents a fresh look, from the perspective of a young generation that is thinking about our current problems; it is them who always open new avenues. This is not false modesty at all: we learn from part of this toolkit, because it is more about dilemmas than answers. It is about methods of approaching issues on a case by case basis to find the rights balance between competing factors. In a sense, this is life: in the legal science but also in religion. It is an arbitration between competing factors in one given situation.

Thus, learning how to think together; how to reconcile differences, how to think in an interdisciplinary manner, how to accept differences, how to put oneself into question: rethinking everything is a guarantee to improvement on every right.

Ana Khatounian: Hopefully, it will strive to the creation, as you mentioned, of a culture and environment, ultimately a political community of human rights and not only a discourse.

Questions from Students:

Question 1: What is the role of religious actors preventing human rights abuses during the pandemic and how is their impact different from the impact of other leaders?

Ibrahim Salama: In fact, religious actors have a huge influence on the hearts and minds of millions of people, that is why they are potentially very influential actors in preventing human rights abuses, particularly in the times of pandemics.

I would say that the main difference between their role and others is that they have access to grassroots levels that probably other actors cannot easily access. Secondly, the spiritual and moral leverage that they have on followers is far exceeding that of other non-state actors.

Question 2: How could religious actors use and apply the toolkit to defend human rights and protect communities during the pandemic?

Ibrahim Salama: Religious actors are very well placed to use the toolkit. What is the toolkit about? It is an interesting, creative methodology of engaging into a discussion through storytelling, videos, sharing personal experiences, but this is very much near to the preaching advising, and counselling that religious actors generally undertake. As a genuinely peer-to-peer learning tool, the toolkit has a number of modules and exercises of interfaith dialogue and debate, is never the same. It is like a river: wherever it passes in an environment, it gets from it.

Module zero, before the 18 Commitments, is about how to adapt these techniques of peer-to-peer learning to your own environment, whether you are speaking to one community or you are on an interfaith basis; whether you are doing it to cover a particular issue or intercommunal tensions in general, etc. It is all dependent on the context, but they are certainly well placed to use the Faith for Rights Tool Kit, this is what they are already doing: what is missing is the human rights narrative linked to the religious directives.

Question 3: The interpretation of the freedom of religion is dynamic and changing. How should we address the tensions concerning the interpretation of freedom of religion in cases concerning the use of headscarf in public, for example?

Ibrahim Salama: The existence of tensions among rights is not something shocking; it's not something that cannot happen; it happens every day. It is all in the interpretation. The freedom of religion has to be seen in a full-fledged picture of human rights as a whole. Freedom of expression is contained within this picture. Your freedom stops where the freedoms of others starts.

There are many manifestations of freedom of religion or belief that could raise discussions and would have to be analyzed on a case by case basis. The use of headscarves, for example, have divided many societies because they carry powerful symbolism and also because they have been among the religious symbols used for political manipulation at times.

The main rule is that all human rights are interrelated and indivisible and should be mutually reinforced. If there is a tension, it needs to be addressed on a case by case basis. One thing is certain: the religious sphere is not only about submission. Not only about dictates coming a superior authority in the name of supernatural power.

On the contrary: it is a message of day to day life, and people need to discuss it as much as they discuss any other matter of their own life. The story telling and the history of religions is always about the daily lives of peoples and the significance of the details in it. It takes attention, respect and dialogue to be able to arbitrate when rights are in tension among each other.

Ana Khatounian: Mr Salama, thank you so much for joining us today, it was a pleasure to have you here for this very enriching conversation.

Just a final note because we had a small technical issue. I would like to make it clear to everyone that this video will be available on our World Moot pages and that it will be transcribed to Spanish and French to ensure we fulfil our outreach to all the languages we work with, and we look forward to meeting you again soon, thank you so much!

Ibrahim Salama: My pleasure, thank you, Ana, and thank you everybody.