



ADVANCING FAITH, FAMILY AND FREEDOM

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A Threat To International Peace And Security”

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International Religious Freedom Is Required by Law and Needs to be Upheld

In 1948, the nations of the world, appalled by the horror of World War II, came together to form the United Nations (UN) and adopt the Universal Declaration of Human Rights (UDHR) to address and lay the groundwork to prevent fundamental human rights violations in the future. The UDHR provides that “[e]veryone has the right to freedom of thought, conscience and religion; *this right includes freedom to change his religion or belief*, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” UN Member States at that time pledged to secure the “universal and effective recognition and observance” of the rights in the UDHR, “both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.”

At the time, there was near universal agreement on these rights; politics did not divide them. Indeed, it was Eleanor Roosevelt, the wife of democratic president Franklin Roosevelt, who chaired the drafting committee of the UDHR, and “was recognized as the driving force for the Declaration’s adoption.” Many agree that the document’s drafters “would not have succeeded in reaching agreement without the leadership” of Eleanor Roosevelt.

Almost twenty years later, this same right was again enshrined in the International Convention on Civil and Political Rights (ICCPR), which explicitly “[r]ecogniz[es] that” religious freedom and other “rights derive from the inherent dignity of the human person.” While the UDHR recognizes these same rights, it is not a binding legal instrument. The ICCPR is legally binding, however, and it states: “[e]veryone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” The ICCPR goes further, noting that “[n]o one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.” Seventy-four nations have signed and committed themselves to recognizing and upholding these religious freedom rights in the ICCPR, including the United States.

The recognition of religious freedom in international law is also manifested in various regional instruments, such as the European Convention on Human Rights, the American Convention on Human Rights (from the Organization of American States), and the African Charter on Human and Peoples’ Rights.

Historically, America has played a leading role in upholding this fundamental human right. In 1998 the US Congress passed and then President Bill Clinton signed into law the International Religious Freedom Act of 1998 (“IRFA”) states that “[i]t shall be the policy of the United States . . . [t]o condemn violations of religious freedom, and to promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion.”

After the horror of the Holocaust, the international community had established a legally binding treaty known as the Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter “Genocide Convention”). The treaty legally prohibits ratifying nations from engaging in genocide, defined as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group”:

“(a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.”

The Genocide Convention also binds nations which are parties to it with an obligation to “prevent” genocide—an obligation the International Court of Justice has held to be clear and independent.

Over twenty years ago, President Clinton hesitated to take decisive action to stop genocide in Rwanda, which he avoided defining as genocide precisely due to the concern that the United States would be *obligated* to do something *if* genocide was recognized as taking place in Rwanda. As a result, more than a million lives were lost. Several years later, President Clinton went to Rwanda and admitted his error. Now, in the Middle East, the United States (and others) have an obligation to prevent genocide—this conclusion should cut across political and social lines; indeed, it is shared by the former U.S. Ambassador to Croatia, among others. We must not fail to do so again.

From the earliest days of our Republic until now, the United States has affirmed that our rights come not from the will of any government but from the hand of God. This “self-evident” assertion is the single most important claim of our national charter, the Declaration of Independence, and infuses the Constitution of the United States.

Foremost among our rights is freedom of religion. It is listed first in the Bill of Rights not as a rhetorical flourish but because religious liberty is the basis of all other rights. Our Founders asserted and, throughout history, our country has affirmed that a person’s allegiance to God precedes and qualifies his allegiance to any human institution, including the state. If we jettison this fundamental belief, we render ourselves mere subjects of the politically powerful, even if such power has been installed by the will of the people. As image-bearers of God imbued with what Alexander Hamilton called “the sacred right of conscience,” we do not now nor must we ever agree to that proposition.

The international legal framework to protect religious liberty is in place. What remains is for nations to fulfill their moral and legal obligation to enforce these rights, and ensure others do the same.

International Religious Freedom Is Good Policy and Promotes Prosperity

Not only is religious freedom a fundamental, inherent, and international human right, and not only is the United States obligated to promote it, religious freedom is also good foreign policy. Religious freedom promotes economic growth, and suppressing it stifles economic growth around the world. In turn, the lack of economic growth fosters instability and a lack of security. One study found a positive relationship between religious freedom and ten of the twelve pillars of global competitiveness measured by the World Economic Forum's Global Competitiveness Index. Research has shown that when religious freedom flourishes, corruption is lowered, there is more peace, less harmful regulation, reduced liabilities, and more diversity and growth.

Religious freedom is important for peace and security, which in turn permit economic growth and prosperity. Reflecting at the end of the 20th century, one U.S. official identified a number of religious freedom violators; these “overwhelmingly coincide[d] with those [nations] the United States was already at war with or would soon go to war with, or that would emerge as first-order national security concerns.” As the world becomes ever more interconnected, this issue becomes only more important. Wherever religious freedom violations occur, they stifle growth and threaten national security. When this occurs for one nation among us, it is more likely to affect all of us.

Religious freedom should be a central priority in U.S. diplomatic and strategic engagement worldwide in order to promote freedom for its own sake as well as for reasons of global stability, security, and economic growth. The United States must make religious freedom a more central component of its foreign policy, as we do here today, the government of the United States should insist that this collective body of nations gives the highest priority to the recognition and protection the fundamental human right of the freedom of religion.