

3 August 2020

Ms Ursula von der Leyen, President of the European Commission
European Commission
Rue de la Loi, 200
1049 Brussels

Dear Madam President,

Following a recent tweet by Commissioner Margaritis Schinas announcing the renewal of the mandate of the EU Special Envoy for the promotion of freedom of religion or belief (FoRB) outside the European Union¹, we wish to express some concerns we have regarding both the lack of transparency in the process that led to the renewal of the mandate and also make some recommendations ahead of the EU appointing an individual to the post.

Whilst we fully concur with the fundamental importance of the right to freedom of religion or belief – and focus a lot of our work in promoting it² - we believe that its protection and promotion, as with any right, should take place within the overarching framework for human rights as defined by the EU Charter of fundamental rights.

As made clear in the Vienna Declaration and Programme of Action (1993) “All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis.”³

The EU Special Representative for Human Rights successfully oversees the effectiveness and visibility of the EU’s human rights policy, and in so doing treats all rights as indivisible, interdependent and interrelated. We argue that creating a separate mandate solely for the protection of FoRB – and a mandate which had been inexplicably situated in the Directorate-General for International Cooperation and Development (DG DEVCO) - runs the risk of an unnecessary siloing of the right from others and discouraging it to be treated in an inclusive and intersectional manner.

It runs the risk that any Special Envoy will not sufficiently situate FoRB in relation to other human rights - such as the rights of women, children, LGBTI minorities, and freedom of expression or issues surrounding security. Since the right to FoRB is intrinsically interrelated to other key fundamental rights that are also under threat, it is essential that your candidate shows a strong record on the protection and promotion of *all* human rights and European values and takes an inclusive and intersectional approach to the mandate. *No official charged with representing any one human right should have a record in undermining any other human right – they are indivisible.*

We remind the EU of its explicit commitment to, “promote freedom of religion or belief and to fight discrimination in all its forms through combating discrimination on grounds of race, ethnicity, age, gender or

¹ Tweeted by @MargSchinas, 13.27, 8/7/20, <https://twitter.com/MargSchinas/status/1280825709326458881>

² E.g. <https://humanists.international/what-we-do/freedom-of-thought-report/><https://humanists.international/get-involved/campaigns/humanists-at-risk/>, <https://end-blasphemy-laws.org/>

³ UN Vienna Programme of Action (1993) §5

sexual orientation and advocating for the rights of children, persons belonging to minorities, indigenous peoples, refugees, migrants and persons with disabilities.”⁴

The reason for particular concern in the case of a FoRB Envoy is that, unfortunately, freedom of religion or belief has too often been instrumentalised and distorted by some to undermine and hamper others’ fundamental rights, particularly the right to equality and non-discrimination of women and LGBTI people. This phenomenon was highlighted in detail and at length in the last report of UN Special Rapporteur on Freedom of Religion or Belief.⁵

In this context, we regret the absence of a transparent and comprehensive assessment by the European Commission of the effectiveness and added value of the position of the Special Envoy in the process of the renewal of the mandate. Notably such an assessment was also requested by the European Parliament in its resolution of 15 January 2019.⁶

Accordingly, we urge you to:

- Improve the transparency in the process of appointing the Special Envoy on FoRB.
- Appoint as Special Envoy on FoRB only a candidate who can show a strong record in promoting *all* human rights and European values.
- As mandated the EU’s commitment to gender mainstreaming, gender equality should also be included in the political and policy dialogue with partner countries by the Special Envoy.⁷
- Place the position of Special Envoy on FoRB under the management of the current Special Representative on Human Rights or within the EEAS.
- Improve the transparency within the mandate itself, including in terms of the reporting obligations of the Envoy. Reports on country missions should be regular and made public. These reports should include an exhaustive list of his/her links with interlocutors as well as the country context and any recommendations made, and follow-up actions taken. The reports made by the UN Special Rapporteur on FoRB after country missions, provide a good model for this.⁸

Finally, we note that the findings of the decisions by the European Ombudsman recently published, echo a number of our concerns. Notably, the Ombudsman urged the Commission “to give clearer guidance to future Special Envoys about the need to take into account the full range of human rights when making statements and interacting with stakeholders.”⁹

Yours sincerely,

⁴ https://eeas.europa.eu/sites/eeas/files/eu_action_plan_on_human_rights_and_democracy_en_2.pdf; see also <https://ec.europa.eu/transparency/regdoc/rep/10101/2020/EN/JOIN-2020-5-F1-EN-ANNEX-1-PART-1.PDF>

⁵ A/HRC/43/48

⁶ European Parliament resolution of 15 January 2019 on EU Guidelines and the mandate of the EU Special Envoy on the promotion of freedom of religion or belief outside the EU (2018/2155(INI))

⁷ https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/promoting-gender-equality-beyond-eu_en

⁸ Regrettably, the sole report of the previous mandate (2016-2019) fails to give any information about visits made apart from the name of groups met by the Special Envoy or any recommendations made: https://ec.europa.eu/international-partnerships/system/files/jan-figel-mission-reports_en_1.pdf

⁹ Decision in case 1553/2019/NH on the role of the EU’s Special Envoy for the promotion of freedom of religion or belief outside of the EU



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