

# Speech given by the Minister of Justice and Security of the Netherlands

Ferdinand Grapperhaus\*

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Opening speech by the Minister of Justice and Security of the Netherlands, Ferdinand Grapperhaus, at the international conference on the pressure on religious freedom around the world, VU University, Amsterdam.

*'You, my brothers and sisters, were called to be free. But do not use your freedom to indulge the flesh; rather, serve one another humbly in love. For the entire law is fulfilled in keeping this one command: "Love your neighbour as yourself." (The Bible, Mark 12:31)*

*'There shall be no compulsion in the religion.'* (Koran, 2:256)

That, ladies and gentlemen, is what two of the world's major religions have to say about freedom, and freedom of religion in particular.

It's food for thought, especially on a day like today.

## The Universal Declaration of Human Rights

On this very day (10 December 2018), 70 years ago, the Universal Declaration of Human Rights was proclaimed. And Article 18 of the Declaration states that everyone has the right to freedom of thought, conscience and religion. This is a fundamental right, and the wording used to express it was based on legal norms from all over the world. All the members of the United Nations committed themselves to the Universal Declaration but, as is so often the case, putting it into practice has proved difficult.

In recent years, more and more countries have placed high or very high levels of restrictions on freedom of religion. The most recent report by the Pew Research Center showed this to be the case in 83 of the 198 countries investigated. That's a rise of 13% compared with 2007, and it points to a disturbing trend.

## The Union of Utrecht

So I welcome the initiative to come together here at VU University on this notable day to share ideas about the relevance of the freedom of thought, conscience and religion. The Netherlands has a strong and long-established tradition when it comes to the freedom of religion. It goes back to the

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early sixteenth century, when the lands that would go on to form the Netherlands were riven by religious conflict. This was the prelude to what would go into the history books as the Eighty Years' War.

As a response to the violent suppression of all those whom the Low Countries' Spanish overlords deemed 'heretics', but also as a means to quell the internecine strife between Catholics and Protestants, a number of Northern provinces signed a unique agreement in 1579 that became known as the Union of Utrecht. This agreement, which can be seen as an initial precursor of the Dutch Constitution, which was only drawn up centuries later, contained an important passage about freedom of religion.

It stated that 'everyone shall be free in matters of religion and no person shall be persecuted on account of their religion.'

This was a revolutionary idea at the time. But people in the Netherlands had learned from the bitter experience that religious tolerance would, again to quote the agreement of the Union of Utrecht, promote 'peace and prosperity for the provinces, towns and individuals'.

### **Ministry of Worship**

And that still holds true today. Because our society is far stronger for people of all religions knowing – and feeling – that they are welcome here and have the same rights as their fellow citizens. Of course, even in the Netherlands, it wasn't initially so straightforward. It was a long time before freedom of religion as we know it today was truly enjoyed by all in their daily lives. So while Catholics were not persecuted, it took a long time before they could openly practise their faith. They sought refuge in clandestine churches, a few of which still survive, such as Ons' Lieve Heer op Solder in Amsterdam. The privileged position of the Dutch Reformed Church only came to an end under the Batavian Republic in 1798, when all existing faiths were given equal status before the law.

When the Republic was succeeded by King Louis Napoleon's administration in 1806, a separate Ministry of Worship was established to oversee religious matters. The Ministry of Worship was not actually a complete expression of religious freedom. State interference remained after 1806. It was not until 1848 that freedom of religion was recognised in the Constitution. The Ministry of Worship continued to exist thereafter, albeit in all manner of different guises.

For a long time, the special Minister of Worship retained all kinds of responsibilities, in matters like the construction of church buildings. Not until the second half of the nineteenth century did the ministry gradually assume a more symbolic role.

## Freedom of religion

And although today we no longer have a separate ministry to deal with these tasks, they still make up the core of the remit of the ‘Minister for Worship’, in which capacity I stand before you now. Because this remit falls under the Ministry of Justice and Security.

And it's fitting that it should be this Ministry in particular, since the Ministry of Justice and Security oversees the rule of law, with all the concomitant principles and fundamental rights recognised by our society. Justice is not sufficient in this regard. Justice can only exist if we also bring about security in society – security for each individual and each community within society, enabling them to exercise their fundamental rights, including freedom of religion.

The role of Minister for Worship is one I fulfil gladly. I maintain contacts with all religious denominations and faith groups. In the Netherlands we proceed on the basis that all the faith communities are equal. We make no distinction based on the substance of their beliefs. It's part of my job to ensure this principle is observed.

Freedom of religion, ‘without prejudice to ... [people’s] responsibility under the law’, is now enshrined in our Constitution. Article 6 guarantees the right to freedom of religion or belief. But that also means that everyone must feel safe to practise their religion.

## Feelings of insecurity

So, it is a major concern that, according to recent research, a large proportion of the Jewish community in the Netherlands is experiencing feelings of insecurity. I addressed the Jewish community in a synagogue on the first night of the festival of Hanukkah. I said that I stand for the right to profess one's faith in safety, but I also stand for the right of everyone in the Jewish community in the Netherlands to feel safe and at home in our society.

This is something I cannot overemphasise.

Also, the Minister for Worship must also ensure that individual freedom is respected by the government. Rules restricting the exercise of religious freedom may be laid down by Act of Parliament only to ensure public order, protect health, in the interest of traffic and to combat or prevent disorder. The key principle of the separation of church and state is not, it should be noted, explicitly laid down in the Constitution.

But it is substantially based on two articles in the Constitution: Article 6, from which I have just quoted, and Article 1, which is very well known in the Netherlands: *‘All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any other grounds whatsoever shall not be permitted.’*

And, let's not forget, this principle of equality – certainly as far as the freedom of religion is concerned – is one we took a long time to put fully into practice in the Netherlands. The ban on processions (in practice a measure directed against Catholics) was not abolished until 1983.

### **No licence to incite hatred**

It is important to point out, certainly in view of today's focus on the Universal Declaration of Human Rights, that a religion may not impose obligations on people which violate human rights, such as forcing people to convert or commit acts of violence against non-believers. Religion must never be a licence to incite hatred, discrimination or violence.

That's precisely where the problem arises in many countries – an increasing number of countries, as we have already seen. The UN's Special Rapporteur on freedom of religion or belief recently reported on countless measures and practices that highlight this fact.

These include prohibiting acts of worship in the case of religions other than the 'state religion', confiscating religious objects and literature, banning religious education and pronouncing death sentences on those who reject a particular faith.

The rapporteur has recommended that not only believers, but also non-believers and adherents of different faiths, be protected against discrimination and that their rights be safeguarded. In this respect, as so often, we see history repeating itself.

### **Refugees**

In the same way that countless refugees came to our Northern shores from the end of the sixteenth century, because they could practise their faith here in relative freedom, we now see people coming here from countries where there is no freedom of religion, or where it is severely curtailed.

An Afghan asylum seeker, who fled to the Netherlands because his life was in danger in his home country due to his doubts in matters of belief, said that his Dutch residence permit 'set the seal on his freedom'.

A wonderful compliment.

### **Compliance**

I think we can be justifiably proud of the fact that the Netherlands is one of the few countries consistently cited by international comparative studies as free and equal in terms of freedom of expression and humanist values.

Not only believers but also non-believers who need protection from discrimination come to the Netherlands to start new lives.

Unfortunately, the right to freedom of thought, conscience and religion is by no means as firmly entrenched elsewhere as it is here. In fact, in many countries – including those that committed themselves as UN members to the Universal Declaration of Human Rights – the freedom of thought, conscience and religion are under intense pressure.

A great deal of discussion, diplomacy, time and energy will still be needed to induce countries to comply with these aspects of the Universal Declaration. I hope that one day, the Ministers of Worship in every country will focus on realising and protecting the freedom of religion. For my part, I already do this, taking my cue from what the new bishop of Roermond said on Saturday:

*‘Ask not what we do with the word of God, but what the word of God does to us’.*