

# OBSERVATORY ON INTOLERANCE AND DISCRIMINATION AGAINST CHRISTIANS IN EUROPE

## **Intervention at Working Session 14 on Fundamental Freedoms**

**on behalf of the Observatory on Intolerance and Discrimination against Christians by Barbara Vittucci**

**HDIM 2014, Oct 1, 10 am.**

The Observatory on Intolerance and Discrimination against Christians documented over 1400 incidents of intolerance and discrimination against Christians, focusing on West of Vienna in the past seven years. In a fragmented landscape of social hostility, negative stereotyping, vandalism, hate incidents and more or less subtle government restrictions, a concerning pattern becomes visible.

Allow me in this intervention to focus mainly on freedom of conscience, by laying out five key threats which are often tied to five victim groups.

It is a moral obligation for everyone to act according to his conscience. 'Conscientious objection' is therefore not a 'privilege' the legal order confers on its subjects, but a basic human freedom.

**At the Observatory, we receive many reports about and are especially worried with regard to the following five professional groups:**

1) Medical staff, including performing doctors and anesthetists, nurses and midwives, and administrative staff: This includes also students of these professional areas. While often the law grants objection of conscience, it is necessary to also consider the practical difficulties which arise from the objection. Students report difficulties in finishing their studies without participating in procedures they object to. Objecting medical staff complains frequently about being overlooked in promotion processes.

2) Pharmacists, working in state or confessional hospitals, or in a pharmacy, as owner or employee should also have the right to conscientious objection.

3) Registrars of births, marriages and deaths, discover a conflict of conscience when laws are changed allowing for marriage of and adoption by homosexual couples. In direct state service and application of the law, it is naturally difficult to claim conscientious objection. It is however necessary that registrars who entered their profession before such laws were made have a possibility to opt out. Secondly, as a requirement of tolerance and respect, it is recommended that in the competent offices an attempt is made to accommodate everyone and organise the work load in a manner that troubled staff can remain in the job.

4) Owners of locations for wedding ceremonies are in some countries not allowed to refuse their property to homosexual couples in. The public license to conduct civil law acts in a private building is often tied to accepting the government's rules without the possibility of objection of conscience.

5) With current developments in the area of anti-discrimination, we encounter yet a fifth group suffering from limitations of freedom of conscience: private businesses. A major problem is the draft fifth EU-equal treatment directive currently negotiated at the EU level.

**Recommendations to OSCE/ODIHR and participating states:**

**Today, we see several attempts to curb freedom of conscience. Combatting a worsening of the situation, we would like to introduce four recommendations:**

- 1) It is worrisome when governmental institutions call for a 'regulation' of conscientious objection, fearing an „excessive use“ of freedom of conscience.  
**We recommend to participating states**, to be extremely careful when considering regulating a fundamental right – because regulation means restriction.
- 2) There are some who claim that “human rights, including rights to conscientious objection, apply only to individuals and not to institutions” and that, for this reason, Christian hospitals, or even Christian Churches, are not entitled to them. This is wholly wrong: it is said nowhere in international law that human rights can only be exercised individually; on the contrary, with regard to certain human rights, their collective nature is explicitly recognised.  
**We recommend to participating states**, to protect also the collective dimension of freedom of religion and conscience.
- 3) Some states claim that conscientious objection is fine as long as a successful and supervised referral to someone else is mandatory. But a referral is equally unacceptable, as it presents a form of cooperation which is morally comparable to performing the procedure oneself.  
**We recommend to participating states** not to oblige anyone to refer to someone else for a valid objection of conscience.
- 4) Anti-discrimination policies may cause a kind of „reverse discrimination“ – namely an unintended discrimination as a side effect. Excessive regulation of private conduct with regard to discrimination on the grounds of religion or sexual orientation may cause conscience problems and discrimination of Christians.  
**We recommend to ODIHR** to look more deeply into this problem; and **to participating states** not to extend anti-discrimination legislation to private businesses.

On our website [www.IntoleranceAgainstChristians.eu](http://www.IntoleranceAgainstChristians.eu) you will find over 40 national laws in Europe in 15 different countries which violate freedom of religion and freedom of conscience of Christians. Our advanced search provides you with individually documented cases according to various search criteria. I encourage you to use this resource and look forward to being at your service.

Thank you for your attention.

**Contact information:**

Observatory on Intolerance and Discrimination against Christians

Möllwaldplatz 5, A-1040 Vienna, Tel: +43 / 1 / 274 98 98

[observatory@IntoleranceAgainstChristians.eu](mailto:observatory@IntoleranceAgainstChristians.eu), [www.IntoleranceAgainstChristians.eu](http://www.IntoleranceAgainstChristians.eu)

Twitter: OIACEurope, Facebook: OIACEurope