

Session 2: Fundamental freedoms I (Freedom of thought, conscience, religion or belief)

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ODIHR-OSCE: 2011 Human Dimension Implementation Meeting
Warsaw, Poland: September 27, 2011*

In all of the international human rights instruments that have been enacted across the globe, freedom of thought, conscience and religion has been recognized as a fundamental human right. The European Court of Human Rights has held that freedom of thought, conscience and religion is one of the foundations of a democratic society and one of the most vital elements that goes to make up the identity of believers and their conception of life, and it has held that the pluralism inseparable from a democratic society depends on it. Likewise, the UN has re-affirmed that freedom of thought, conscience and religion is a human right derived from the inherent dignity of the human person and should be guaranteed to all without discrimination. The UN went on to state that nations must ensure that their constitutional and legal systems provide full guarantees to the right.

In recent years in the United Kingdom, there have been sustained and resounding claims that freedom of religion is not being adequately protected by the State, in particular, for members of society who hold orthodox Christian beliefs. Recent public opinion polls suggest that a significant number of Christians feel that their religious freedom is under significant pressure, even attack, and this public opinion has been reflected in the UK parliament, where “Christianophobia” has recently been debated for the first time. Four religious liberty cases involving Christians from the UK are currently before the European Court of Human Rights. One significant reason why there are sustained claims of discrimination, marginalization and intolerance against Christians in the UK, is because of a perceived “clash of rights” between those holding orthodox Christian beliefs, specifically on sexual ethics, and those who claim that such beliefs are discriminatory on the grounds of sexual orientation. Many such “clashes” have recently been determined by the UK courts and invariably, where a clash between the competing interests has occurred, the courts have found against the religious believer. As a result, some Christians have been dismissed from work, others have been sued, and religious-ethos organizations have been forced to close. Ironically, much of this has come about in the name of “tolerance” and “non-discrimination”.

Unfortunately, rather than balancing the competing views so that religious believers can be reasonably accommodated within society, it seems that in the UK at least, the power of the State has been invoked on one side of the argument. Consequently, non-discrimination laws and hate speech laws are not being used to protect Christians, but are being used to prevent Christians, and others, from acting on their deeply held religious convictions about sexual ethics and other matters of fundamental importance. As a result, Christians continue to be denied their religious liberty.

In order to protect the fundamental right of freedom of thought, conscience and religion, the CLC strongly urges participating OSCE States to balance the competing rights which have been created by non-discrimination laws, so that Christians—and others who hold traditional beliefs about marriage and the family—are not punished for simply wishing to hold to their deeply held beliefs in the public square.