

OSCE / Human Dimension Implementation Meeting

CAL Recommendation Equality Regarding State Financing

Freedom of religion or belief (FoRB) is one of the most central and longstanding of OSCE Human Dimension commitments. The right to profess and to practice the freedom of religion or belief entails and raises a complex spectrum of issues related for instance to the status of religious or belief communities, the relationship between religious or belief communities and States, the autonomy of religious or belief communities and the financing of cults. CAL expresses its deep appreciation to OSCE/ODIHR for pursuing the advancement of FoRB and its fight against discrimination based on religion or belief and stresses that it should also cover the rights of non-believers.

The Belgian situation is sometimes referred to as an example. In Belgium, seven philosophical communities are recognized and financed by the State, i.e. Catholicism, Protestantism, Anglicanism, Orthodoxy, Judaism, Islam and Laïcité. Under the Belgian constitution, ministers of the church are paid with government funding and the constitution was amended in 1993 in order to give the same right to the persons fulfilling similar functions (mainly moral assistance) for the humanist community. It led to the recognition of philosophical non-confessional organizations and payment of the salaries of the moral assistants. Local authorities also pay for the functioning of the movement, including today 90 “Maisons de la Laïcité” opened to all.

Yet there is at present no rational criterion for the distribution of the public funds between the different communities. The number of ministers of the Roman Catholic Church is based on legislation dating from Napoleon's time, using the number of inhabitants as criterion without regard for their beliefs. This lack of transparency led to the current distribution: more than 80% goes to Catholics, almost 10% to Laïcité, 3% to Muslims, 2% to Protestants, 0.75% to Orthodoxy, 0.35% to Judaism and 0.15% to Anglicanism. While there are no official statistics available, it is absolutely certain that the Belgian population is not 80% catholic.

These figures show that an equal treatment of the different communities has yet to be reached. The State must treat equally each group and apply the principle of non-discrimination and therefore determine objective criteria for the financing of cults and philosophical communities. The State should also be able to impose transparency and to monitor the use of public funding.

In the light of the above, CAL recommends that:

1. OSCE/ODIHR address the situation of the financing of confessional and non-confessional communities (including humanists and non-believers) in Member States;
2. Governments refrain from discriminatory practices in the field of philosophical and religious funding;
3. The Advisory Panel of experts on FoRB issue guidelines on best legislation for ensuring equal treatment of all philosophical communities.

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