

Human Rights Without Frontiers International

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Working Session 13: Freedom of religion and Belief

Statement about the systems of hierarchy of religions

Freedom of religion and belief is an inalienable right that must be fully enjoyed by any human being and any religious or belief community without any discrimination.

During their process of accession to the European Union, a number of countries have been criticized because their religious legislation was not in conformity with the international standards. It was recently the case for **Romania**. The criticisms were justified. One of the reasons was that the last draft law was establishing a discriminatory system of hierarchy of religions in which non-recognized religions could not enjoy a number of basic rights and the access to the upper category of religions was unnecessarily made difficult in a democratic society, if not impossible.

However, such a discriminatory hierarchy has been existing for a long time in many old EU member states and no international mechanism has ever been put in place to urge the Western European democracies to correct their systems and bring them in line with the general principle of non-discrimination.

In the OSCE/ODIHR meetings, the constitutions, the laws and the policies of former communist countries are usually particularly targeted, and quite often rightly so, while a number of similar failures in Western European democracies are almost never addressed. A few examples.

In **Romania**, all the tax-payers contribute to the state budget from which only recognized religions can benefit and they cannot opt out or re-direct their income tax towards their religious community but it is also the case in **Belgium**, in **Portugal** or in **Greece**.

On 17th February of this year, **Romania** changed its law so that prisoners of all faiths can receive appropriate religious assistance from a chaplain of their choice. In **Belgium**, since the first constitution in 1831, and in **Portugal**, non-recognized religions have not been allowed to provide their prisoners with appropriate religious assistance. This year, the son of an American citizen practicing Hinduism arrested at the national airport in Brussels came to our office to complain about the lack of access of his aged father to appropriate religious assistance in his prison in Forest where he has been detained for six months.

In **Romania**, religious instruction is optional in public schools while in **Belgium**, religious and ethics classes are compulsory in primary and secondary public schools. In the public schools of the French-speaking part of the country, parents

who do not adhere to secular humanism or to a recognized religion have no other choice than sending their children to the ethics class. This is the case for Jehovah's Witnesses who state and complain that some of the values of the so-called neutral ethics classes collide with their own values. In the Dutch-speaking part of the country, the same students could be exempted.

Many Western European countries have adopted a discriminatory system of hierarchy of religions that is controversial. This is the case in **Belgium, Greece, Portugal, Austria, Denmark, Germany, Italy or Spain** and this discriminatory system is now copied by more countries. The main reproach that can be made to the categorization system concerns the various forms of discrimination that it generates. According to the state, religious communities of lower categories are:

- not eligible to receive state subsidies for the wages and education of their clergy;
- not permitted to teach religion at public schools (consequently, children of their members are denied appropriate religious classes);
- not entitled to have chaplains officially accredited in the armed forces, centers for refugees, hospitals or other social or health care facilities, and prisons (consequently, their members are denied appropriate pastoral care);
- subjected to specific regulations with regard to visas requested by missionaries or religious workers, even though volunteers;
- denied access to the public media;
- denied the right to perform marriages with civil effects in countries where such a system is in force;
- in many cases stigmatized as harmful sects/cults, and warned against by public and private institutions funded or supported by public powers (their members are discriminated against in the enjoyment of their individual and collective human rights);
- and so on, according to the specificities of each countries.

Recommendations

Human Rights Without Frontiers Int. recommends to the OSCE/ODIHR

- to open a debate with all the OSCE member states about the various forms of discrimination caused by the system of hierarchy of religions;
- to give some concrete content to the "base level entity status" proposed in the OSCE/ODIHR brochure "Freedom of Religion or Belief: Laws Affecting the Structuring of Religious Communities" by listing a number of basic rights that religious and belief communities have not been able to enjoy up to now;
- to put in place mechanisms of evaluation of the progress of the implementation of the basic religious rights that any OSCE member state should grant to its religious and belief communities.

Before closing, I would like to add a last word about the recent judgment of the European Court of Human Rights in the case won by the banned Salvation Army against **Russia** and I hope that other banned peaceful religious movements like the Jehovah's Witnesses will also benefit from this ruling. I also salute the efforts of the OSCE/ODIHR which have managed to decriminalize conscientious objection in almost its member states and I hope that **Armenia** where objectors are still sentenced to prison terms will soon adopt an appropriate law to provide for a genuine alternative civilian service under a civilian authority and not under a military as it is still the case now, which is not acceptable for objectors to military service.

