

EUROPEAN HUMAN RIGHTS OFFICE
CHURCH OF SCIENTOLOGY INTERNATIONAL

Submission to OSCE Human Dimension Implementation Meeting

Working Session 4: Fundamental Freedoms I

26 September 2007

Religious freedom issues around Europe continue to be a matter of concern. This has been highlighted during the year with regards to different European approaches to Islam. The issues concern responsible reporting of Islam (and indeed any religion), freedom of expression and balanced response to whatever sensitivities are offended in the process. The threat of terrorism from a very small minority of extremists is certainly something to be dealt with – but it should not be seized upon as justification to sacrifice fundamental rights, including freedom of religion.

It has never been more important than now to more broadly foster dialogue and understanding between religions, governments and societies in OSCE countries. Religions, even in secular societies, are an integral part of life. Responsible parties made their efforts to do so, especially with regards to Islam, this last year. These efforts must be extended to cover all religions especially whenever there is cause for misunderstanding or misrepresentation of the religion concerned.

Moslems who faced discrimination and misrepresentation in Europe have made their voice known, and rightly so, in order to counter this discrimination. As we have seen, it is important to have a balanced response that respects freedom of expression, on the one hand, and freedom of religion on the other, as key factors to be taken into consideration when dealing with the issue to ensure a climate of tolerance and non-discrimination.

Majority religions that suffer discrimination are able to exert more pressure over public opinion, including media, governments and others, in their own countries and internationally.

Smaller and new religious groups suffering discrimination do not possess that power. Indeed, such groups, as the result of discrimination, are in many cases excluded from the democratic process of dialogue and political debate.

In Western Europe, minorities are often targeted and vilified in the media to an even greater extent than has happened in recent times with Islam. Unfortunately, the media often incites discrimination through inaccurate and irresponsible reporting towards minority religions that have inadequate resources to effectively respond. Leaders of minority religious are also ridiculed in the press. They and their movements have been impugned with all manner of false allegations just as insulting to their own followers as other examples have been to followers of Islam.

This aspect is given little thought or attention in the discourse about religious sensitivities and is mostly ignored.

A subject that has fuelled intolerance towards minority religions in certain Western Europe states has been that of official and unofficial lists designating targeted faiths as “sects”. This approach is designed to improperly separate targeted religious movements apart from other “religions” in order to stigmatize and marginalize them.

In certain Eastern European countries, the problems often concern registration of religious organizations. Legislation concerning mandatory registration of religious communities movement has been used as a weapon to discriminate and restrict the activities of minority religious communities while denying them the same rights as other religions.

Austria was the first and only Western European country to introduce a “tiered” registration law in 1998 that differentiates between religions and imposes conditions that are essentially discriminatory. These criteria have since wrongly been used by a number of Eastern European countries as an example from which to model their own legislation.

The problem with laws that grant different rights according to arbitrary criteria (e.g. number of members, length of time in existence in the country) is that this denies rights other movements should have under international standards. The OSCE has determined that these duration and population requirements are inconsistent with international human rights standards in its publication, *Freedom of Religion or Belief: Laws Affecting the Structuring of Religious Communities*¹

Russia also adopted a “tiered” religious registration law in 1997 which has since created many difficulties for minority faiths, including the Church of Scientology. On 5 April 2007, the European Human Rights Court in the case entitled *Church of Scientology Moscow v. Russia* overturned the Moscow City government’s refusal to register the Church of Scientology of Moscow as a religious organization. The Court found that Russia had violated the rights of the Church of Scientology under ECHR Articles 11 (the right to freedom of association) “read in the light of Article 9” (the right to freedom of religion), when it refused to re-register the Church of Scientology Moscow.

Specifically, the Human Rights Court determined that, in denying registration to the Church of Scientology of Moscow, the Moscow authorities “did not act in good faith and neglected their duty of neutrality and impartiality vis-à-vis the applicant's religious community”.

Need for Dialogue

While there may be many things that can be done to protect and improve religious freedom, we consider that dialogue is the central solution on which to focus and think that this can be facilitated far better within the OSCE structure. Through real and constructive dialogue, false information about groups can be dealt with. When there is dialogue it is possible for groups to bring concerns to government and have a way in to resolve the issue and address actual concerns (on either side).

¹. OSCE Review Conference, September 1999.

The OSCE is already working in this direction and has two main institutional tools with which it can deal with religious questions. Firstly there is the panel of experts on freedom of religion or belief, which can take up matters of concern – though its hands are somewhat tied in that it has to be formally asked by a government to give an opinion before it can properly take up an issues. This of course restricts the work of the panel as it cannot act on its own determinism and if a government does not wish

It would be far more effective if the Panel of Experts were able to determine their own priorities in so far as what religious issues they should suggest and not be subject to the whim or veto of a government before they can take action.

Our first recommendation is to widen the mandate of the Panel of Experts so that it can determine its own priorities and make public (or private) pronouncements on activities of religious intolerance or discrimination that is brought to its attention.

Secondly, the OSCE has instituted a system of Special Assistants to the Chairman-in-Office to deal with a range of subjects relating to religious freedom. This is an excellent initiative, but the Assistants are part-time and have a very heavy work load. Funding should be provided to provide full time staff for the Special Assistants.

Our second recommendation is that additional funding be provided in the form of full time staff to the Special Assistants to facilitate their activities to combat religious discrimination.

Thirdly, no current formal complaint procedure exists for concerned groups and individuals who are victims of religious discrimination in OSCE Member States. A clear and simple complaint procedure should be initiated so that religious groups, targeted individuals and NGOs could raise religious discrimination complaints against states for investigation and remediation.

Our third recommendation is that a complaint procedure should be created so that concerned religious groups, their members or NGOs would be able to lodge a religious discrimination complaint against OSCE states for investigation and remediation by the Special Assistants.

Our final recommendation is that a High Commissioner for Religious Freedom be established with a mandate over all OSCE religious issues. This position would be similar to and complement the OSCE High Commissioner for Minorities..

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