



ADF INTERNATIONAL

SESSION 13: Combating anti-Semitism and discrimination against Christians, Muslims and members of other religions

As delivered by Alice Neffe¹
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My name is Alice Neffe. I represent ADF International, a legal organization dedicated to protecting fundamental rights including the right to freedom of religion.

Please allow me first to thank the OSCE for addressing the discrimination of Christians. Beyond the annual Human Dimension Implementation Meeting, there have been several meetings dedicated to this topic, such as the “Conference on Enhancing Efforts to Prevent and Combat Intolerance and Discrimination against Christians, Focusing on Hate Crimes, Exclusion, Marginalization and Denial of Rights” in 2015 and the Expert Round Table on Intolerance and Discrimination against Christians in 2009.²

In 2011, the Parliamentary Assembly of the OSCE adopted a Resolution on combating Intolerance and Discrimination against Christians in the OSCE area. Notably, the resolution recommended that “the right of Christians to participate fully in public life be ensured” (paragraph 12), and that “legislation in the participating States, including labour law, equality law, laws on freedom of expression and assembly, and laws related to religious communities and right of conscientious objection be assessed” in view of discrimination and intolerance against Christians (paragraph 13).

Unfortunately, through our work, we see that the situation in Europe did not improve but rather worsen in these last eight years.

¹ Legal Officer, ADF International

² See also, e.g. “The Role of Civil Society in Combating Hate Crimes against Christians”, 2012; OSCE High-Level Meeting on Preventing and Responding to Hate Incidents and Crimes against Christians, 2011.

In Germany, parents are denied their prior right to direct the education of their children. It is considered lawful that 33 police officers can, one morning, storm into the home of a homeschooling family. Dirk and Petra Wunderlich wanted the best for their children and felt that their home environment was the best choice. This also allowed them to teach on the basis of their Christian faith. Germany is not the sole example. The actions of the Norwegian child welfare services have been denounced already by the Parliamentary Assembly of the Council of Europe and very recently by the Grand Chamber of the European Court of Human Rights in the case *Strand Lobben v. Norway*, where the Court found that Norway violated the fundamental right to family life through the actions of its child welfare services.

In France, Germany, Belgium and throughout Europe, conscientious objection by physicians is curtailed by an obligation of referral. Other healthcare professionals, such as pharmacists, have to engage into legal battles to have their right of conscience explicitly recognized. The already well-known example of the two Swedish midwives shows that, for their right to conscientious objection to be recognized, they have to move to Norway.

We also have seen in Spain and Malta legislative proposals, which in proposing to fight discrimination actually criminalize speech based on religion and the Christian faith.

All these examples show that, too often, Christians are challenged and prevented from exercising their most fundamental rights. Christian parents cannot ensure that their children are educated in accordance with their convictions. Christian professionals are not reasonably accommodated in their workplace. Christians, more generally, express their religious beliefs under a rising threat of loss of reputation, disciplinary sanctions, dismissal, and even criminal sanctions.

ADF International is a legal organization, and we consider the rule of law to be essential for the protection of human rights. The legal standard for the right to freedom of religion is not whether Christians can exercise their religion *privately* and *discreetly*.

According to all major human rights treaties, to which European States are parties, including Article 9 of the European Court of Human Rights, the legal standard grants Christians the right to *freely* and *publicly* manifest their religion in a broad range of ways.

ADF International, therefore, strongly urges the OSCE to assess what follow-up measures were taken on the basis of the 2011 resolution within the OSCE area, and clearly reject a standard of religious freedom that would require individuals to live their faith privately and discreetly.