



SOTERIA INTERNATIONAL intervention on Tuesday, 27 September 2016 during

Working session 12: Fundamental freedoms I (continued), including freedom of thought, conscience, religion or belief

The effects of globalization on the development of freedom of conscience, thought and religion

Freedom of conscience, thought and religion is one of the fundamental human rights recognized nationally and internationally. In the context of globalization, its scope is evolving, more questions are being raised, and issues in application are arising.

As the field of human activities extends beyond the regulations of the nation-state, the state that is part of regional international organizations, sharing the same social values or similar social values, legality and rules of social coexistence, in the current form, became themselves violations of the freedom of conscience, thought and religion.

Freedom of conscience and religion can be seen in the light of two perspectives: the internal one that involves the freedom of the individual to have their own beliefs about the nature of things surrounding them, faith or lack of faith in the values of various denominations. The external perspective is in fact the externalization of the internal one, the freedom of religion materializing through the free externalization of convictions, beliefs or values of the person, in front of other individuals and together with them.

There are several key elements of religious freedom. Besides the unrestrained right of believing in any god, idea or thing, that freedom includes the right to conduct religious and spiritual practices related to the religion, the right to organize gatherings and public demonstrations with a religious nature, the right to build religious places and objects, the right to promote one's religion peacefully and not abusively.

In our globalized society, we are witnessing a restriction on the freedom to choose a spiritual path, due to the fact that society understands the actions of individuals in a local paradigm of behaviour that is appropriate to the rules of social life in a respective region.

On the other hand, globalization has resulted in the expansion of the field of human behaviour. Hence, we can speak, for example, of some religions, which prescribe rituals and practices, that may not have an equivalent in Christian worship—predominant in the EU and the West. Some of these rituals and practices may seem unusual or strange in the Western paradigm, exceeding the limit of comfort created by traditional norms.

However, regardless of our personal habits and subjective perceptions, these rituals and practices are absolutely legitimate and normal, as long as they remain peaceful and non-abusive. Respecting the freedom of individuals to have and create their own spiritual convictions, and respecting the will of each person to follow the spiritual path suited to their personal system of values is imperative.

However, social order and rules of social coexistence must adjust to the changes taking place at the social level, without abusively restricting fundamental human rights and freedoms.

In a democratic society based on the rule of law, all fundamental rights – including the right to freedom of religion – are individual rights that belong to each individual, regardless of affiliation to a majority or minority, and nobody – not even the majority has the right to prohibit or impede the exercise of these rights.

We have arrived in a time where certain behaviours, rituals, or actions related to a spiritual path can be considered as material elements of criminal behaviour, simply because they do not fall within the behavioural limits known and accepted by society.

To ignore, for example, such practices of a spiritual path, and the way of manifestation and outward expression of that spiritual path, and to analyse the behaviour of people without regard for the system of values from which that spiritual path comes, inevitably leads to violation of freedom of conscience, thought, and religion.

As an example, we look at what is known as karma yoga, which is altruistic action - the path of selfless action and detached; systematically performing various altruistic actions, with sincere aspiration to help others, allowing to the yogi to spontaneously access some great spiritual states.

If we turn our attention to the definition given by Directive 2011/36 / EU, “ The recruitment, transportation, transfer, harboring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

Analysing the definition of the crime of human trafficking, we can clearly see that at any moment, any action of karma yoga made in a spiritual community becomes an element of the crime of human trafficking.

Let us not forget that the purpose of law is to regulate social relations, and rules of conduct are in constant evolution, bearing the imprint of each individual that is part of society. Analysis of a person’s actions must take into account their spiritual particularities, and ignoring them is a clear

violation of their fundamental right to religion, thought and conscience, limiting their freedom to choose a spiritual path consistent with their personal intrinsic values.

Spiritual communities, such as, Ananda Assisi in Italy, the Deutsche Akademie für traditionelles Yoga in Germany, and the MISA yoga school in Romania, are some cases when karma yoga has been misinterpreted as human trafficking. Under investigation and subjected to court trials, for several years, these people were labelled as guilty and their spiritual beliefs were disregarded and wrongly interpreted.

We are taking a stand for people that have been abused, who have suffered because of their spiritual choices and beliefs. This is the fault of society as a whole, of the system, and we must work together to resolve this.

Recommendations:

Soteria International recommends for the OSCE, and other competent bodies to investigate the situation when actions related to a spiritual path can be considered as material elements of criminal behaviour and to take the needed measures in order to avoid the misinterpretation of spiritual beliefs and choices and the potential of subsequent subjection of spiritual communities or practitioners to investigations based on such alleged crimes.