

Statement made at the OSCE HDIM conference Warsaw, Sep 2013, by *The Values Foundation*

Need for a greater recognition of the *Freedom of Conscience in the challenge to religious communities to legal personality and status* and a Recommendation to the OSCE Ministerial Meeting in December

Thank you Madame Chair,

The Values Foundation welcomes the initiative from the OSCE to debate this specific theme *Freedom of Religion or Belief*, because it is clear that this fundamental freedom needs more effective implementation in a number of member States.

But we would like to draw your attention to the important *freedom of conscience* which lies at the heart of this theme, and particularly how it impacts on religious communities facing challenges in obtaining recognition of their legal personality and status in the public sphere, which is one of the subjects for this afternoon.

The 1975 Helsinki Declaration specifically refers to “religion or belief in accordance with the dictates of his own conscience” and this is also enshrined in a number of conventions.

This is a critical point when one considers that a conscience is a deeply-held belief that a person or a minority has consistently held to over a long period of time, and for which it is prepared to suffer for – I don't think anyone would argue that the freedom of conscience is not one that should be treated lightly.

And this really leads on to the question- *how does a State provide for a person or a community's conscience as it seeks to implement these Declarations and conventions?*

As a NGO, when we look today at the practical difficulties of religious communities, we are worried about the increasing attitude amongst governments, especially in Western Europe, that religion is no longer a beneficial influence to society, and thereby adopt a kind of modern secularist view that leaves little room for respecting conscience. This often results in their regulatory departments adopting a narrow and negative view of small religious minorities that do not have the presence or size of mainstream religions and this has led to genuine Christian minorities to be discriminated against.

As we speak, there are cases today of small but well-established Christian churches in the UK, Spain, and Germany having difficulties obtaining rights and benefits which other churches are able to have, despite some of them being over 100 years old; because of their deeply-held conscience to hold to their particular belief or faith.

Madame Chair, the very essence of this basic human right is that States do not have the right to decide whether or not an individual or a minority can manifest their belief in a particular way – rather it is their duty and obligation to protect and uphold this right and ensure there is not discrimination in how these freedoms are implemented.

I especially refer to the debate in the UK over the Charity Commission's decision to deny the Plymouth Brethren Christian Church's charitable status and to take away their fiscal benefits as a result.

This case raises serious concerns- for the Charity Commission to decide that, in principle, religion does not necessarily carry a public benefit and therefore cannot exclusively claim charitable status, is a clear worry for all UK churches, and ought to be a concern to the OSCE because implementation of basic human rights is clearly being ignored here.

Madame Chair, we would encourage the OSCE to look into this carefully and in the light of this, we respectfully would submit a recommendation for consideration at the next OSCE Ministerial Session in December;

That member States should ensure that their legislation respect the basic freedom of conscience and not deny religious communities the right to full legal recognition and charitable status because of some interpretation of their particular belief or practice.

I would also welcome a comment from the United Kingdom delegation as to this current situation in the UK over what qualifies public benefit for religious minorities.

Thank you.



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