

13 September 2018



EU Transparency Register
ID number: 015146319708-20
contact@freedomofbelief.net

pressoffice@freedomofbelief.net

spokesman@freedomofbelief.net

<http://freedomofbelief.net>

**OSCE Office for Democratic Institutions and Human Rights
Human Dimension Implementation Meeting 2018**

Working session 6: Tolerance and non-discrimination I, including combating anti-Semitism, combating intolerance and discrimination based on religion or belief, including against Christians, Muslims and members of other religions

Freedom of Thought, Conscience, Religion or Belief

STATEMENT OF THE EUROPEAN FEDERATION FOR FREEDOM OF BELIEF (FOB)

THE WORK OF THE EUROPEAN FEDERATION FOR FREEDOM OF BELIEF (FOB) FOR THE IMPLEMENTATION OF FORB PROGRAM IN EUROPE AND THE VITAL DIALOGUE WITH THE NATIONAL AND INTERNATIONAL AUTHORITIES

Thursday 13 September 2018

I am Alessandro Amicarelli, a London based lawyer specializing in human rights and freedom of belief, and current chairman of the European Federation for Freedom of Belief (FOB), that I represent today as I did the previous years.

FOB is a secular and independent organisation operating across Europe and beyond the European borders.

We advocate for the human rights, and specifically for the freedom of belief (FORB) of all people in the European continent, whether they belong to traditional or new religious groups, philosophical or spiritual schools of thought and also those who identify as non-believers or atheists and unconcerned in line with the European legislation in this field.



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Last year I concluded my statement at the HDIM 2017 by saying that in the months to come FOB would have made the voice of minority groups louder at all levels and that we would keep closely working with policy makers and state bodies as we have done since our beginning.

That is what we did. And even though we are a European Federation our work has also focussed on non-European areas like Asia, particularly China, due to the impact that violation of religious freedom in that country has on people's lives, if we think only that one million Uyghur Muslims are detained in concentration camps for only being Muslims and members of several minority groups, labelled as *xie jiao*, literally heterodox teachings, also being arrested without warrants, arbitrarily detained and tortured often to death only for belonging to minority groups.

Earlier in January 2018 we run a 2-day International Convention on “Law and Freedom of Belief in Europe” that was held in Florence with scholars and experts and delegates gathering from several countries, from Europe, from the Americas, from the Middle East and from Asia as well.

The Convention, organised under the auspices of the Secretary General of the Council of Europe, Mr Thorbjørn Jagland, received the accreditation of the OSCE Parliamentary Assembly, something of which we are very grateful, of the Tuscany Region, of the University of Florence and was also granted honours by the President of the Republic of Italy, Prof. Mattarella, in the form of the Presidential Medal granted to us for this event. The Conference Proceedings have just been published, in bi-lingual English and Italian edition, and some pre-release copies will be handed to representatives in this venue.

After the Florence Convention, as chairman of FOB and as human rights attorney I was instructed to represent victims of religious persecution in China at the United Nations where I filed complaints with the UN Working Group on Arbitrary Detention.



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Lord Alton of Liverpool in the UK recalled my complaints at the British Parliament asking Her Majesty's Government if the UK wanted to support these complaints filed on behalf of members of The Church of Almighty God (CAG) who are victims of religious persecution in China.

Her Majesty's Government positively replied with a statement made by Lord Ahmad of Wimbledon, Minister of State for the Commonwealth and the UN at the Foreign & Commonwealth Office, who made it clear that the Government "remain deeply concerned about the persecution of Christians, Muslims, Buddhists, Falun Gong practitioners and others on the grounds of their religion or belief in China" and also added that "Her Majesty's Government remains committed to promoting and defending the right to freedom of religion or belief for all individuals" and finally concluded that the Government will keep a close focus on the developments in this matter by reaffirming that "The UK has a close working relationship with UN bodies and is committed to upholding the rule of law and rules-based international system" and "My officials continue to monitor the progress of the complaint filed by Alessandro Amicarelli and await the outcome".

Thank you to the United Kingdom for the great efforts taken in this field.

This statement by Lord Ahmad of Liverpool arrived while I was in Washington DC representing FOB at an event on religious persecution in China, organised during the first-ever Ministerial to Advance Freedom of Religion in the World, called by Secretary of State Michael Pompeo and attended by representatives of some 87 governments and international organisations delegations, including also the European Union and the OSCE.

The USA is leading a world movement for the improvement of freedom of religion and belief in the world and as FOB we are particularly grateful to the USA for the contribution they are giving in this field and the ministerial is the evidence that change is possible when positive action is carried out.



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We expect that all States that agreed to advance freedom of religion do so by taking action, first and foremost, implementing the existing legislation that applies to all individuals and groups regardless of their beliefs, and including also the refugees escaping from religious of which they are victims in their countries.

Unfortunately, official statements and international obligations are not always complied with by states and sadly just few days ago a Chinese lady was deported from Germany back to China, country where she was originally from and where she had escaped from because was being persecuted as a member of The Church of Almighty God. Germany should have protected that refugee in compliance with its international obligations not to deport any individual to a country where they may risk their life. The same case occurred to a Muslim member of the Uyghur ethnic group that was deported to China and once at the airport was taken by the police and just disappeared like in the most recent case I mentioned. These “mistakes” cannot happen when people's lives are concerned.

FOB does exist to make it sure that the governments implement the content of the FORB (Freedom of Religion and Belief) Guidelines and comply with the international human rights law provisions and for this reason it is vital to keep a positive cooperation with the national authorities of different countries and with the international organizations like the OSCE.

On the occasion of our Florence Convention we launched a Call to the European Nations for the Implementation of Freedom of Religion and Belief in Europe that we also presented at the United Nations in Geneva at the occasion of an event on the Deterioration of Religious Freedom in Eastern Europe.

In line with the OSCE approved documents, Council of Europe recommendations and resolutions, European Court of Human Rights and European Court of Justice judgments, United Nations bodies decisions and deliberations as well as other international obligations, the European Federation for Freedom of Belief



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“OFFICIALLY HOPES FOR AND CALLS ON the State Parties to the International Community, in accordance to and under the provisions of the current legislation, to take concrete actions in order to:

1. REMOVE the obstacles hindering the full implementation of the Freedom of Belief, Thought, Conscience and Religion within the National territory of the States, by banning the imposition of greater obligations for minority religions in the dissemination of religious literature, the opening of places of worship, the right to give children a religious, spiritual and philosophical education, the granting of spiritual assistance in prisons and facilities for hospitalisation and treatment, and by also ensuring, with a view to respecting the freedom of expression of all individuals, the non-interference of anti-religious and anti-spiritual groups in the Freedom of Belief, Thought, Conscience and Religion for spiritual and religious groups and individuals;
2. FAVOUR AND PERFORM actions to allow the concrete implementation of the Freedom of Belief, Thought, Conscience and Religion within the National territories of the State, facilitating the knowledge of religious facts by way of studies and comparisons of the different religious and spiritual traditions, including the modern and contemporary ones, with documents elaborated by impartial scholars; and by adopting and implementing any agreement between States and Churches or spiritual groups, or the adoption of other measures recognising religious and spiritual groups in order for these to operate legally within the National territory;

AT THE SAME TIME the EUROPEAN FEDERATION FOR FREEDOM OF BELIEF reiterates its commitment to the full implementation of the Freedom of Belief, Thought, Conscience and Religion for religious and spiritual groups and human beings, working closely with International, European and National institution; and also by providing advice and assistance to public entities, and by organising conferences, meetings, study days and seminars to inform and assist religious and spiritual groups or individuals who believe to be victim of a violation of their right to freedom of religion or belief and/or need a highly qualified advice on this matter.” (CALL TO THE EUROPEAN NATIONS FROM THE EUROPEAN FEDERATION FOR FREEDOM OF BELIEF



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(FOB), TO PROMOTE AND IMPLEMENT THE RIGHT TO FREEDOM OF BELIEF, THOUGHT, CONSCIENCE AND RELIGION IN EUROPE - EUROPEAN FEDERATION FOR FREEDOM OF BELIEF - FOB)

As we did last year, also today I conclude this statement by saying that in the following months

we will keep monitoring the implementation of Freedom of Religion and Belief in the world;

we will keep working to affirm the right to truth by denouncing and pointing out the actions carried out by illiberal groups that deliberately operate against minority religions causing, directly and indirectly, their persecution in the world;

we will keep reporting about the outcomes of our activities and research work;

we will organise more meetings and conferences involving the minorities and the national and international authorities favouring the dialogue between them.

Rule of Law, Justice and Human Rights are the fundamentals of the International Community and this is what FOB promotes and wants to be implemented over all.

Thank you!

Alessandro Amicarelli, chairman and spokesman
on behalf of FOB,
European Federation for Freedom of Belief

LAW AND FREEDOM OF BELIEF IN EUROPE

An arduous journey



18-19 January 2018 Auditorium Sant'Apollonia – Firenze, Via San Gallo, 25a

CALL TO THE EUROPEAN NATIONS FROM THE *EUROPEAN FEDERATION FOR FREEDOM OF BELIEF (FOB)*, TO PROMOTE AND IMPLEMENT THE RIGHT TO FREEDOM OF BELIEF, THOUGHT, CONSCIENCE AND RELIGION IN EUROPE

The *EUROPEAN FEDERATION FOR FREEDOM OF BELIEF (FOB)*, a Federation of European associations working to promote Freedom of Belief, Thought, Conscience and Religion for everyone, in accordance to and under the provisions of the current legislation on Human rights, on the occasion of the International convention "Law and Freedom of Belief in Europe, an arduous journey", organised under the auspices of the Secretary General of the Council of Europe Mr. Thorbjørn Jagland and under the patronage of the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe (OSCE) - Florence January 18th-19th,

CALLS FOR THE PROMOTION AND IMPLEMENTATION OF THE FREEDOM OF BELIEF, THOUGHT, CONSCIENCE AND RELIGION IN EUROPE

The *EUROPEAN FEDERATION FOR FREEDOM OF BELIEF (FOB)* and the undersigned signatories

WHEREAS the Universal Declaration of Human rights proclaimed by the United Nations in 1948 affirms the inalienable principle of the equality of all human beings, by stating that "*All human beings are born free and equal in dignity and rights*" (Art. 1.1), and affirms and recognises the right to freedom of belief by providing that "*Everyone has the right to freedom of thought, conscience and religion*" (Art. 18.1);

WHEREAS the Universal Declaration of Human rights "*states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community*", as recognised by the United Nations in 1968 by the Proclamation of Teheran;

WHEREAS the International Covenant on Civil and Political Rights adopted by the United Nations in 1966 protects the freedom of belief by affirming that "*everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.*" (Art. 18.1);

WHEREAS the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human rights) - based on the contents of the Universal Declaration on Human Rights adopted by the Council of Europe in 1950, and whose content is binding for all States parties to the Convention - protects the Right of belief by affirming that *“everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance”* (Art. 9.1 - Freedom of thought, conscience and religion);

WHEREAS the Additional Protocol to the European Convention on Human Rights adopted in 1952 acknowledges the right of parents to educate their children in accordance with their philosophical and religious beliefs, by affirming that *“No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions”* (Art. 2 - Right to Education);

CONSIDERING the recommendations of the Committee of Ministers of the Council of Europe regarding the protection of the Freedom of Belief, Thought, Conscience and Religion, with specific regard to the need for neutrality to be demonstrated by Member States when addressing the subject of Religion, including in relation to minority groups (*inter alia* Resolutions 1178/92 and 1412/99); as well as the recent resolution 2163/17 adopted by the Parliamentary Assembly of the Council of Europe on the The Protection of the Rights of Parents and Children belonging to Religious Minorities, with which the Parliamentary Assembly by reaffirming the right to Freedom of Thought, Conscience and Religion for all individuals, calls on all member States to perform effective actions to enable the free exercise of own belief in public and in private, within defined limits; and to repeal any laws or rules which establishes a discriminatory distinction between religious minorities and majority beliefs; and also to implement easy-to-follow procedures to obtain exemption from compulsory religious education, for instance, through providing non-confessional religious classes, or providing information on a plurality of religions and ethics programmes;

WHEREAS numerous official documents adopted by the Organisation for Security and Co-operation in Europe (OSCE) protect the Freedom of Belief, Thought, Conscience and Religion, starting from Helsinki Final Act from 1975 affirming THAT *“the participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion”* (1.a.VII - Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief), and through the 1983 Madrid Document, the 1989 Wien Document, the 1990 Copenhagen Document, the 1994 Budapest Document, and the 2003 Maastricht Document, as well as OSCE Decision No. MC.DEC/3/13 from 2013 where, in addition to recalling and reaffirming the previously-declared fundamental principles regarding the importance of freedom of religion for human beings and religious or belief communities, the OSCE Assembly calls on Member states to refrain from imposing restrictions that are inconsistent with and a clear breach of international regulations on the freedom of Belief, and to commit to adopting effective measures and to develop active policies to promote the implementation of the freedom of religion and belief in their National territories, so as to ensure the right of all individuals to profess and practice their religion or belief, individually or in community with others and in public or private, as well as to manifest their religion or belief in teaching, practice, worship and observance, through the adoption of transparent and non-discriminatory laws, regulations, practices and policies;

CONSIDERING the copious case law of the European Court of Human Rights on the Freedom of Belief, Thought, Conscience and Religion, protected under Art. 9 of the European Convention on Human Rights, and that rulings by the European Court of Strasbourg are binding for States parties to the Strasbourg system, to which they must comply (Art. 19 and 46);

CONSIDERING the numerous decisions by the United Nations Human Rights Committee on the Freedom of Belief, Thought, Conscience and Religion, adopted following individual communications presented to said Committee (Optional Protocol to the International Covenant on Civil and Political Rights);

WHEREAS both the Charter of Fundamental Rights of the European Union adopted in 2000 and the European Constitution adopted in 2002 clearly and officially recognise the freedom of religion as a current and fundamental right within the Union (Charter of Fundamental Rights, Art. 10 - Freedom of thought, conscience and religion; European Constitution, Article II-70 - Freedom of thought, conscience and religion);

CONSIDERING that the Guidelines on the promotion and protection of freedom of religion or belief adopted by the Council of the European Union in 2013 (FORB Guidelines) reiterate, *inter alia*, the need to promote and protect the Freedom of Belief, Thought, Conscience and Religion by protecting diversity in contemporary society through measures for the prevention and resolution of conflicts, violence and intolerance;

OBSERVING AND DENOUNCING the presence of anti-religious and anti-spiritual movements and organisations within the European territory which, sometimes with the support of the States - in total breach of the above-mentioned European and International rules, and of the universal and fundamental principles of tolerance and equality - promote hatred and preach the persecution of traditional religions and/or minority religious and spiritual groups, often referred to as "sects" or "cults"; once again in breach of National, European and International norms, and in manifest breach of the copious case law of judicial bodies and the decisions of those quasi-judicial bodies operating to protect human rights in regard to the Freedom of Belief, Thought, Conscience and Religion;

REAFFIRMING the absolute need for States and National authorities to remain neutral and impartial in matters concerning religion and spirituality, regardless of the existence of a State religion, having to ensure equality and treatment equality for all individuals, whether or not these are citizens of such State, also including refugees and those granted of International protection, stateless people and, in general, all individuals without any exception, as well as for religious and spiritual groups that might or might not be connected to a traditional philosophical-religious current;

EXPRESSING the paramount need for States and National authorities - within the framework of European and International rules on the protection of the Freedom of Belief, Thought, Conscience and Religion - to turn exclusively to independent and neutral bodies and organisations comprising scholars of social disciplines and religious sciences, jurists and other experts in the field of traditional, alternative or contemporary religions and spirituality;

OFFICIALLY HOPES FOR AND CALLS ON the State Parties to the International Community, in accordance to and under the provisions of the current legislation, to take concrete actions in order to:

- 1. REMOVE** the obstacles hindering the full implementation of the Freedom of Belief, Thought, Conscience and Religion within the National territory of the States, by banning the imposition of greater obligations for minority religions in the dissemination of religious literature, the opening of places of worship, the right to give children a religious, spiritual and philosophical education, the granting of spiritual assistance in prisons and facilities for hospitalisation and treatment, and by also ensuring, with a view to respecting the freedom of expression of all individuals, the non-interference of anti-religious and anti-spiritual groups in the Freedom of Belief, Thought, Conscience and Religion for spiritual and religious groups and individuals;

2. FAVOUR AND PERFORM actions to allow the concrete implementation of the Freedom of Belief, Thought, Conscience and Religion within the National territories of the State, facilitating the knowledge of religious facts by way of studies and comparisons of the different religious and spiritual traditions, including the modern and contemporary ones, with documents elaborated by impartial scholars; and by adopting and implementing any agreement between States and Churches or spiritual groups, or the adoption of other measures recognising religious and spiritual groups in order for these to operate legally within the National territory;

AT THE SAME TIME the EUROPEAN FEDERATION FOR FREEDOM OF BELIEF reiterates its commitment to the full implementation of the Freedom of Belief, Thought, Conscience and Religion for religious and spiritual groups and human beings, working closely with International, European and National institution; and also by providing advice and assistance to public entities, and by organising conferences, meetings, study days and seminars to inform and assist religious and spiritual groups or individuals who believe to be victim of a violation of their right to freedom of religion or belief and/or need a highly-qualified advice on this matter.

EUROPEAN FEDERATION FOR FREEDOM OF BELIEF (FOB)