

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)

