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**OSCE Office for Democratic Institutions and Human Rights
Human Dimension Implementation Meeting 2017**

**Working session 6 : FUNDAMENTAL FREEDOMS II, including
Freedom of Thought, Conscience, Religion and Belief**

Freedom of Thought, Conscience, Religion or Belief

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

INSUFFICIENT IMPLEMENTATION OF FORB PROGRAM IN EUROPE, STATE INTERFERENCE IN RELIGIOUS MATTERS AND RELIGIOUS DISCRIMINATION IN RUSSIA AND OTHER COUNTRIES

Thursday, 14 September 2017

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

FOB is a secular and independent-by-any-faith association incorporated in Italy and registered as a lobbying group in Bruxelles and Strasbourg since December 2014.

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

Today I will briefly address three main points :

1. Shutting down religious groups by outlawing them
2. Necessary neutrality of State authorities
3. Need to represent at the OSCE also the other minority spiritualities and religions along with the Jewish, the Christian and the Muslim communities



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Brief Analysis of the three topics:

1. Shutting down religious groups by outlawing them

It has happened several times that state authorities have tried to restrain, or have in fact restrained, the activities or the way to express the faith of specific religious groups or to restrict in different ways the lives of such groups; just as basic example this was for instance the case of Austria when the authorities tried to refuse the granting of the legal personality to the Jehovah's Witnesses (Religionsgemeinschaft der Zeugen Jehovas and Others v. Austria ECtHR application no. 40825/98 judgement 31 July 2008), again the case of French authorities to prohibit the ostentation of any religious symbols in public places in the name of the French-type secularism (Law no. 228/2004 of 15 March 2004), and also French legislation permitting to shut down a faith group should the leader be found guilty of serious offenses (Law no. 504/2001 of 12 June 2001 – "About-Picard"), and it was also the case of Jehovah's witnesses in the Russian Federation and in Bulgaria, as well as in other countries.

Most of these cases have the actual end to declare the specific group targeted by the government, outlaw, then illegal; this usually happens on the allegation, for instance, such groups practise brainwashing, accusation being supported and spread by anti-religious associations often subsidized by the same governments and that are particularly active in lobbying politicians at different levels creating a social panic, fabricating stories that have no fundamentals and that they carry from country to country as a form of proselytism, while they aim to stop all other forms of religious teachings.

This is particularly true in the case of Russia where the French anti cultic associations have been very active over the last quarter of a century and that have probably contributed to the recent decision to outlaw and shut down all the congregations of the Jehovah's witnesses and consequently seizing all their properties; other minority groups have been targeted in Russia and they include peaceful Muslims communities, Pentecostals, Church of Scientology, Jews and other groups as well (source Portal-Credo.ru).

Other national or regional authorities, as we outlined last year with regards to Italy, do adopt pieces of legislation that indirectly affect specific minorities like in the case of the bills about the religious worship places that only apply to the religious groups differing from the non-official, but yet predominant, religion in the country.

Aim of such laws is to restrict the rights of religious communities by preventing them to have worship places and places for teaching their doctrines and beliefs and to practise their faiths.

Basically the plan is to stop such groups from existing and operating in the country completely.

2. Necessary neutrality of State authorities

From what just seen descends automatically the absolute need for State neutrality particularly when dealing with religious matters and when providing subsidies to associations and groups of associations that in fact carry out activities against religious groups in the country.



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States should also avoid making lists of good and bad groups and either directly or indirectly discriminate against the groups and the individuals.

(See Council of Europe recommendations 1178/1192 and 1412/1999 also recalled in 2011).

“Religions cannot be distinguished from sects on the basis of quantitative considerations saying that a sect, unlike a religion, has a small number of followers. This is in fact not always the case. It runs absolutely counter to the principle of respect and protection of minorities, which is upheld by domestic and international law and morality. Besides, following this line of argument, what are the major religions if not successful sects?”. (1996 Annual Report by the Special Rapporteur on Religious Intolerance to the United Nations Human Rights Commission)

Also the former United Nations Human Rights Commission in two different reports in 2000 (report n° 33 par. 6) and in 2001 (in report n° 42 par. 6) expressed the concern for “the increase of violence and discrimination against religious minorities, including restrictive legislation and arbitrary application of legislation and other measures”.

Last year as well as in 2015 we asked the Italian Government to provide clear facts and figures about the unit of the Italian Police called SAS, Squadra Anti Sette or Anti Cult Squad in English. The response from the government was such group operate against Satanic cults, however it needs to be remarked the only groups that have been affected by the work of this squad are minority groups that cannot be associated to the satanic tradition at all.

As we did before we renew our request to the Italian Government to provide clear information about the activities carried out by SAS and about the cost-benefit ratio and how such activities can ensure state neutrality considered expert advisor of this squad is a Roman Catholic priest.

It must be highlighted that:

- no distinction between cults or sects and mainstream religions is allowed (COE Rec. no. 1412/99 par. 6)
- no lists, actually blacklists, are allowed; in case lists of religions are created they must include all groups, also “sects” (COE Rec. no. 1412/99 par. 8 and 9)
- no need for a specific legislation for, actually against, cults as both the civil and criminal law have enough provisions to cover also cases concerning people involved in religious groups (COE Rec. no. 1412/99 par. 10 sub .iii)
- understanding, tolerance, dialogue and resolution of conflicts have to be encouraged (COE Rec. no. 1412/99 par. 10 sub .vi)
- States must ensure a firm commitment against any discriminatory and marginalising actions and behaviour against religious and spiritual minorities (Rec. no. 1412/99 par. 10 sub .vii).



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This is more than just prevention of discriminatory actions, it implies a positive action by States to fight against discrimination that affect minority groups.

3. Need to represent at the OSCE also the other minority spiritualities and religions

In the tracks of non discrimination and of positive actions we appreciate that while the number of people belonging to minority religions in the OSCE region is quite significant; however at the OSCE there are representatives of the three main traditional religions namely Judaism, Christianity and Islam and there are, instead, no representatives of any other traditions.

In this view we think that the OSCE should take into account to appoint a representative or more representatives for other religious traditions in the OSCE region, as the OSCE punctually recalls all religious groups in the officially adopted documents, aside with the “mainstream” or official or traditional ones.

Conclusions

This said we can confirm in the months to come FOB will make the voice of minority groups louder at all levels and we will keep closely working with policy makers and state bodies as we have been doing so far.

FOB in fact does exist to make the content of the FORB (Freedom of Religion and Belief) Guidelines alive and implemented and enforced across Europe.

Following the FORB Guidelines is the only route to positively achieve peace among the European populations.

We strongly believe that the three the main goals and working strategies set out in the FORB Guidelines are the way to follow by :

Firstly eradicating the harsh violence with which groups that self identify themselves as religious as well as States and State bodies and NGOs, carry out activities against religious or spiritual groups whether they are minority groups or not and individuals belonging to such groups;

Secondly Freedom of Religion and Belief has to be guaranteed to all people whether religious or non religious, even atheists and unconcerned. Also the European Court of Human Rights has emphasized this point repeatedly;

Third principle is that the governments do cooperate with the civil society as it is happening today in this prestigious place.

As a lobbying group FOB is here for this reason.

We cooperate with State bodies and MPs at national and European level in order for these basic human rights be fully implemented all over Europe guaranteeing equal rights to all people.



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Today once again as we did before we invite all the governments belonging to OSCE to respect the human rights of all minority groups, whether religious or not, and those of the individuals belonging to such groups in compliance with their International obligations as member of International Organizations.

In conclusion we can say that what we expect from States is perfectly and entirely in line with the aspirations and aims contained in a series of official documents on freedom of thought, conscience, religion or belief, adopted by the CSCE/OSCE over the last decades – as in the Helsinki Final Act of 1975, 1983 Madrid Document, 1989 Vienna Document, the 1990 Copenhagen Document, the 1994 Budapest Document, and the 2003 Maastricht Document.

We want then to recall the OSCE Decision MC.DEC/3/13 on Freedom of Thought, Conscience, Religion or Belief that, after recalling a number of obligations on States contained in the international human rights instruments and emphasising the importance of such freedoms for the individuals and the groups, it calls on member States – to mention a few of them –

to prevent intolerance, violence and discrimination based on religion or belief;

to promote the dialogue;

to refrain from imposing restrictions that are inconsistent with the State international obligations;

to take effective measures to prevent and eliminate discrimination against individuals and religious groups;

to adopt policies to promote the respect of worship places and other religious sites;

and then very simply

to fully implement their international commitments to ensure the right of all individuals to profess and practice religion or belief, either alone or in community with others, and in public or private, and to manifest their religion or belief through teaching, practice, worship and observance, including through transparent and non-discriminatory laws, regulations, practices and policies.

Thank you!

Alessandro Amicarelli, spokesman

on behalf of FOB,

European Federation for Freedom of Belief