



Restoring &  
Safeguarding

# RELIGIOUS FREEDOM

A guide to protecting your human rights in Europe

“Human rights must be made a fact,  
not an idealistic dream.”

—*L. Ron Hubbard*

“Human Rights: Know Them, Demand  
Them, Defend Them”

—*United Nations World  
Conference on Human  
Rights slogan, Vienna, 1993*

# Restoring & Safeguarding RELIGIOUS FREEDOM

How to protect your human rights in Europe

Presented by:

Church of Scientology  
European Human Rights and Public Affairs Office

In association with:

Ad Hoc Committee to Investigate Discrimination  
Against Religious and Ethnic Minorities in Germany

Council for Human Rights and Religious Freedom

Greek Helsinki Monitor

International Institute for Social, Cultural and  
Religious Understanding

International Council of Community Churches  
(Human Rights Office)

Lift Every Voice, Inc.

The Tolerance Foundation

Unity-and-Diversity World Council



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# Foreword

I am very pleased to see that a booklet on religious freedom, a working tool for everyone in society, is being published and will be made broadly available. It has two major purposes—the first one being to educate and the second to protect.

The information contained in this booklet is invaluable to each and every one of us. Fundamental human rights are a cornerstone for any civilised society and religious freedom is certainly one of the most important. The more we are all aware of and apply these principles to our everyday lives, the better the world will become.

My years of work as Ecumenical Director for three different Popes has enabled me to see that tolerance, understanding and dialogue between all religions—old and new, small and large—are essential to a peaceful and free society.

I wish the Church of Scientology and the religious and human rights organisations which have supported this booklet success in their activities to preserve religious freedom and to remedy instances of religious discrimination.

— Professor Urbano Alfonso

*Professor Alfonso is a Doctor in Philosophy and Theology, Magna Cum Laude by the Gregorian University of Rome. He has been a moderator in Ecumenical Congresses directed by the Vatican and worked with Pope John XXIII and Pope Paul VI at various meetings on religious matters.*

# Freedom of Religion

# A Fundamental Human Right

Even if freedom of conscience—and consequently religious freedom—had not already been proclaimed by Article 18 of the United Nations Universal Declaration of Human Rights, it remains a fundamental human right, intrinsically indivisible and inseparable from the right to live; it is the *Respect for Life*

In a civilised and intellectually developed society, morals, ethics and even pure common sense should have been sufficient for men and nations to accept each other's convictions and differences.

Unfortunately, dark forces—created either by outdated obscurantism or by the alienating myths of single-minded beliefs—have endeavoured in recent years to multiply verbal, legal and even physical onslaughts against schools of thought whose only fault is to believe differently or to represent relative minorities.

The Gospel summons “woe unto those through whom offenses come.” The offense is not that there are groups which believe differently from others, or minorities struggling for their specific identities. The offense is that intolerance should covertly or overtly attempt to destroy spiritual freedom or to reduce freedom of conscience to a very narrowly delimited arena.

In such a context, the existence of international legal mechanisms acquires crucial importance. Primarily, they constitute moral reference points, but above all, they serve as self-defense tools for any school of thought fighting against all forms of intolerance.

It must also be emphasized that in international law, any legal document adopted at the international level takes immediate priority over any national document, independently of whether the latter is law, a regulation or a court decision.

It is high time for nations to stop the practise of signing international documents with one hand, while the other hand repudiates them with the utmost illegality and immorality.

It is high time for the ordinary citizen to realise that he can defend his rights on the basis of international, European and other agreements.

The editors of the present manual have therefore performed a useful service. Their publication represents a genuine and practical guide book which will prove very valuable to persons of all convictions, faiths, beliefs and religions. The believers of so-called minority faiths will find in it support for their own defense. Those belonging to other schools of thought may use it to concretely express their active solidarity.

The fact that this book is published by Scientology researchers in association with religious and human rights organisations should establish it as an example of a common right shared by all beliefs. The Church of Scientology—to which I do not belong—has the same rights as any religion and like any religion, its convictions are protected under any objective definition of Human Rights.

The path toward enlightenment is still long and arduous. Each step forward, each development will have its importance. Let us therefore exercise vigilance, solidarity and brotherhood: if we do not, *ecumenism* and *tolerance* will remain hollow terms.



# Table of

# CONTENTS

## FOREWORD

Professor Urbano Alfonso .....2

## FREEDOM OF RELIGION: A FUNDAMENTAL HUMAN RIGHT

Professor Francis Dessart .....3

## INTRODUCTION

Why You Need to Know Your Rights .....6

## CHAPTER ONE

How Human Rights Treaties Apply to You.....8

## CHAPTER TWO

Freedom of Religion, Country by Country .....14

## CHAPTER THREE

Remedies if Your Religious Rights are Violated .....26

## CHAPTER FOUR

Recommendations For the Future .....30

## WHO TO CONTACT

Addresses of Human Rights Groups .....32

## APPENDIX

Human Rights Laws .....32

# Why you need to know YOUR RIGHTS

In principle, European countries guarantee freedom of expression and freedom of religion, either in their constitutions or in international human rights treaties they have signed.

At no time since World War II have these fundamental human freedoms been so threatened. In some countries, the fragile guarantees embodied in national constitutions and international law are being violated, abused and reinterpreted to the advantage of the government, with a consequent decline in civil rights protections.

Although one could highlight many incidents of governmental hostility towards the principle of religious tolerance, perhaps the most ominous—because of Germany's position in Europe—is the growing repression of religious minorities by the German government. The world has been alerted to this explosive pattern of harassment in a series of reports by inter-governmental human rights bodies, governmental human rights organisations and concerned religious organisations.

What are human rights and why are they important?

The fundamental assumption of human rights is that each individual is a moral and rational being possessing certain inalienable rights. Human rights are based on the principle of respect for the individual and his beliefs.

Processes which protect minorities and give them an effective voice are essential to a true democracy. Governments which refuse to respect individual rights rapidly descend into police states.

Europe has a long history of religious intolerance and persecution. In the last two thousand years, millions have died because their beliefs conflicted with the authoritative dogma of the time.

In the early days of Rome, Christianity was outlawed and Christians put to death unless they renounced it. In the 4th century, after the conversion of the Emperor Constantine, Christianity flourished, but when the centre of government power shifted from Rome to Constantinople, more conflict ensued. As the centuries rolled by, the persecuted became the oppressors. Heretics were hunted down by the Inquisition, tortured and killed. In the 17th

century, religious intolerance led to the Thirty Years' War which decimated Germany and spread to Spain, France and Sweden. World War II and the worst persecution in history—the horrors of the Holocaust—set a record for man's inhumanity to man.

In the aftermath of the Holocaust, the doctrine of national sovereignty in the human rights arena was morally discredited. To prevent such atrocities from ever occurring again, the United Nations General Assembly in 1948 formulated the Universal Declaration of Human Rights to establish “a common standard of achievement for all peoples and all nations.” The aim was to ensure that each nation's laws truly protect the fundamental rights of *all* its people and so make it impossible for a rogue government to run amok and persecute individuals because of their religion, race, colour, ideology, social status, property or birth.

The result was a series of human rights declarations and treaties which have been subsequently expanded and amplified.

These treaties are not theoretical. They have the force of actual law and they are binding on the governments which have ratified them. Just as certainly as there is a law to prevent theft, assault or murder, there are laws to protect the right to free speech, freedom of opinion and the right to believe in and practise one's religion.

Other concerns also prompted these laws. A major breakdown of democracy occurs when propaganda and stereotypes falsely depict minorities. As a result, innocent people can be subjected to attacks, investigations, endless expense and ruined lives. So long as justice can only be obtained by those wealthy enough to take their cases to the upper courts, there will be injustice. This is a perplexing human rights problem that has never been fully solved.

Some countries offer legal aid to individuals to assist them in pursuing litigation where they feel their rights have been abused. This is at best a partial solution, as the outcome is never certain and the legal process can drag on for years. But it does offer an opening for a person without wealth to seek redress.

While working to bring about better remedies, we must use those we have.

In the pages that follow, we focus on *your* rights to practise *your* religion. You may not consider that these rights are threatened. You may belong to a majority religion which is well-established in your country. However, as the world becomes smaller, the possibility that you will find yourself to be a member of a minority is great, even if only by virtue of traveling to other parts of the world. It has been said that “one man's cult is another man's religion.” This suddenly becomes real when you find yourself in a part of the world where the religion you have espoused all your life is regarded as heresy.

Moreover, a threat to minority rights, unchecked, may rapidly develop into an assault on the rights of all.

So it is vital to know your rights, not only under domestic but under international law.

For the millions of individuals living in Europe today who do not belong to any of the traditional European religions, discrimination because their beliefs are different is a daily fact of life. It can vary from harassment at work, to job dismissal, physical abuse or in extreme cases, death or torture.

A real democracy publishes and makes known and enforces its laws and protects the rights of all minority groups. If each of us truly knows and understands our rights, it will be a giant step towards ridding the world of oppression. Totalitarian governments attempt to keep everyone ignorant of their fundamental human rights in order to suppress the free exercise of those rights.

This booklet serves two purposes: One, to inform you of what your rights are and what lawful remedies exist if they are violated. Two, to point out the absence of remedies in some European countries and how gaps in human rights protection have made it possible for abuses to occur.

We hope you find it helpful.

—The Editors

# How HUMAN RIGHTS TREATIES apply to you

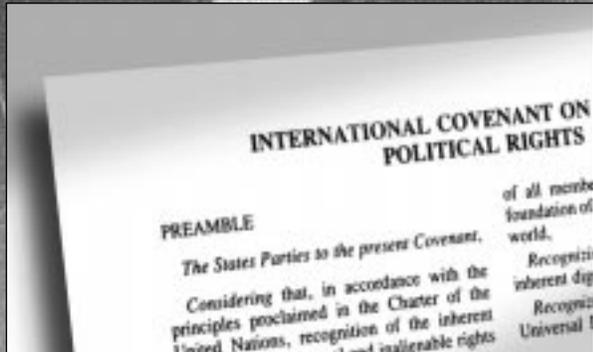
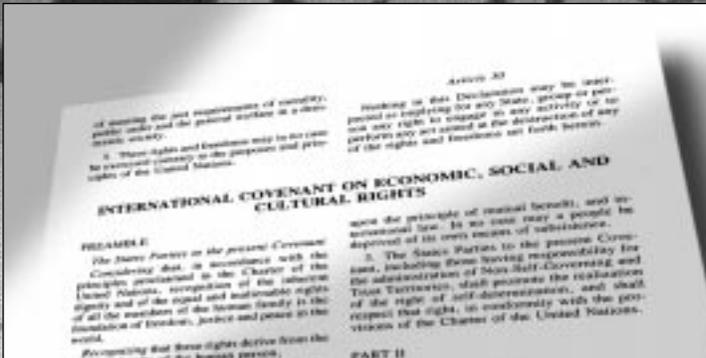
THE MOST FUNDAMENTAL OF ALL HUMAN RIGHTS TREATIES IS THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.

The Universal Declaration marked the first occasion on which an organised community of nations made a declaration of human rights and fundamental freedoms. It sets forth the human rights and freedoms to which all men and women, everywhere in the world, are entitled.

Article 1 articulates the philosophy upon which the Declaration is based: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

Unlike the human rights covenants which flowed from the Declaration and which are binding only upon those countries which have ratified them, the Universal Declaration of Human Rights is truly universal in scope. It preserves its validity for every member of the human family, everywhere, regardless of whether or not governments have formally accepted its principles. The Declaration has

# Chapter One



powerful moral authority throughout the world and growing political potency. It represents the seed from which fundamental, international human rights have blossomed.

The importance of freedom of religion is stressed in the Declaration's preamble and guaranteed under Article 18, which states 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 teaching, practise, worship and observance."

UN Declarations describe discrimination as "an offence [or: an affront] to human dignity", and stress that it constitutes a denial of the principles of the Charter of the United Nations, a violation of human rights and fundamental freedoms and indeed a threat to international peace and security. These principles of equality before the law and non-discrimination are of such fundamental importance that they are regarded as principles of customary international law, binding on all civilised nations.

As stated in one United Nations study:

"The important guiding principle is that no individual should be placed at a disadvantage merely because he is a member of a particular ethnic, religious or linguistic group. Above all, in any multi-ethnic, multi-religious and multi-linguistic country, the strict application of the principles of equality and non-discrimination is an indispensable requirement for maintaining the political and spiritual unity of the State concerned and achieving understanding and harmonious relations between the various components of society."

In democratic European countries which have undertaken to respect the principles of the Declaration, these rights are increasingly violated. The following is by no means a complete list of forms of discrimination solely based upon religious beliefs:

- ◆ Dismissal from work.
- ◆ Destruction of a person's career.
- ◆ Assault.
- ◆ Expulsion from private, public, social, professional or trade associations.
- ◆ Denial of the right to display symbols of one's religion.
- ◆ Ostracism and boycotts in the community as a result of inflammatory and abusive statements about one's religion in the media, so as to destroy one's professional or social standing.
- ◆ Ostracism at work.
- ◆ Creation of obstacles to a person's ability to work by denying him facilities he needs.
- ◆ Denial of the right to receive training in one's profession.
- ◆ Harassment by government officials.
- ◆ Denial of police protection.
- ◆ Discriminatory treatment brought about through federal, state or city decrees.
- ◆ Murder, kidnapping and assaults, resulting from incitations to hatred against individuals of a certain religion.
- ◆ Exclusion from government employment.
- ◆ Denial of public facilities such as exhibition halls and parks.
- ◆ Denial of the right of freedom of expression to communicate religious ideas.
- ◆ Denial of the right to freely associate with one's co-religionists.
- ◆ Destruction of a person's reputation, by illegal boycotts or by false reports circulated by governmental bodies.
- ◆ Destruction of a person's property.
- ◆ Denial of data protection safeguards.
- ◆ Denial of the right to perform or display one's art.
- ◆ Disenfranchisement from the political process.
- ◆ Government sanctioned blacklisting and boycotting of members of religious minorities.

## EUROPEAN CONVENTION ON HUMAN RIGHTS

The international human rights instruments adopted by United Nations bodies and most European countries since 1948 flow from the principles articulated in the Universal Declaration on Human Rights. Whereas the Universal Declaration imposed a moral obligation upon all nations, in 1953 the European Convention on Human Rights came into force, making it a *legal* requirement that States protect human rights.

The Convention established two European entities, based in Strasbourg, to guarantee human rights: the European Commission on Human Rights and the European Court of Human Rights, which was established in 1958. The Commission receives applications alleging violations of the Convention either by States, or, more usually, by individuals. If the Commission decides that a case is

admissible, it then has the dual function of attempting to achieve a friendly settlement, and, if necessary, issuing its opinion on whether or not there has been a breach of the Convention.

The Commission's opinions are not legally binding on State parties. However, it may refer a case to the European Court of Human Rights, whose judgement is final and binding on the 36 European states which have recognised its jurisdiction.

The European Convention on Human Rights has the force of law. Article 9 (1) of the Convention, protecting freedom of thought, conscience and religion, is almost identical to Article 18 of the Universal Declaration. The Convention adds a sub-clause which states that these freedoms are subject only to the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

The European Court on Human Rights is the final authority on interpretations of the Convention.

A number of decisions by the European Commission and the European Court have interpreted the definition of religion in the Convention. Given the increasing tendency of some European governments to arbitrarily decide what is or is not a bona fide religion, and then to discriminate against those deemed "not bona fide", a September 1996 ruling by the Court against Greece is of great importance.

In the case, *Manoussakis v. Greece*, the European Court found that the state does not have the right to decide what is or is not a bona fide religion and unequivocally declared that the policy underlying the Convention's guarantee of religious freedom was "To secure true religious pluralism." The Court noted that "The right to freedom of religion as guaranteed under the Convention excludes any discretion on the part of the State to determine whether religious beliefs or the means used to express such beliefs are legitimate."

In a 1994 case, *Hoffman v. Austria*, the European Court held that the Convention laid out a strict rule prohibiting any disparate or discriminatory treatment "based essentially on a difference in religion alone."

National courts increasingly recognise the authority of the Convention in interpreting domestic law. In August 1996, the highest court in Austria, in a case entitled *in re Fabio Rasp*, rejected out of hand an adverse ruling premised on an individual's association with the Scientology religion. The Austrian Supreme Court held that "a decision which in essence is only based on a different religious affiliation as such cannot be accepted" as it is "contrary to the European Convention on Human Rights and is therefore in violation of the law."

## LATER TREATIES

In 1976, two Covenants came into force which, like the European Convention, carry the force of international law. These are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Along with the Universal Declaration, these treaties comprise the "International Bill of Human Rights."

The ICCPR is considered the backbone of the UN's comprehensive human rights scheme.

The provisions of these Covenants which protect religious freedom, as well as the countries covered in this booklet which have ratified them, are provided in the appendix. With their coming into force, freedom of religion, without regard to race, colour, creed, gender, or social distinctions, became a matter of international law.

Each of the 138 States that have ratified the ICCPR are legally bound to protect individuals from religious discrimination, as stated in Article 2(1), "without distinction of any kind, such as race, colour, sex, language, political or other opinion, national or social origin, property, birth or other status."

Bearing in mind that in some countries individuals have been dismissed from their jobs, denied admission to political parties or excluded from professional and trade associations because of their religion, it is worth examining some of the articles in the ICCPR.



Article 20 prohibits incitement of hatred against another or others because of their religion, race or nationality.

Article 25 guarantees the right of every citizen to take part in public affairs, to vote and to have equal access to public service.

Article 27 protects members of ethnic, religious or linguistic minorities from being denied the enjoyment of their own culture.

The definition of religion applied in the Convention and the ICCPR is as broad as possible and encompasses both theistic and nontheistic religions as well as “rare and virtually unknown faiths.”

The ICCPR also established a Human Rights Committee of the United Nations. Composed of 18 human rights experts, each a citizen of one of the states ratifying the Covenant and highly skilled

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in the law, the Committee is responsible for ensuring that each signatory to the Covenant complies with its terms. All members of the Committee swear to perform their functions impartially and conscientiously.

The Human Rights Committee has three major functions. First, it closely scrutinizes reports submitted by countries every five years to ensure that they are in compliance with the ICCPR and issues findings on a country’s performance, recommending specific needed improvements. These reports occur after a public hearing where the Committee questions national representatives about their country’s human rights record.

Second, the Human Rights Committee issues advices on important human rights issues which merit special attention. These advices are known as “General Comments.” In 1993, the Committee adopted a General Comment recognising the application of Article 18 of ICCPR to minority religions. The Comment states, in part:

“Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practises analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community.”

Third, the Human Rights Committee has the power to investigate any case alleging human rights violations brought by an individual who is from any of the 92 States which have ratified the First Optional Protocol to the ICCPR [see Appendix]. The Optional Protocol enables the Human Rights Committee to receive and consider communications from individuals who claim that their rights under ICCPR have been violated. Within six months the State that is the subject of the complaint, and which having signed the Optional Protocol recognises the competence of the Committee to investigate the matter, must indicate what remedy, if any, it has taken.

The Committee will first determine if a case is admissible—if it satisfies certain procedural requirements such as the rights at issue must be protected by the ICCPR, and the individual must have exhausted domestic remedies. Once the Committee investigates a case, it will then publish its views on the case, which have great force as the Committee possesses exclusive authority to determine if a country is in compliance with the ICCPR.

The other arm of the International Bill of Human Rights is the International Covenant on Economic, Social and Cultural Rights (ICESCR). This Covenant protects, among other economic, social and cultural rights, the right to work, to join trade unions and to enjoy an education. The United Nations Committee on Economic, Social and Cultural Rights, with 18 expert members who are citizens of contractual States, ensures compliance with the ICESCR through review of periodic reports submitted by the States.

If your child is receiving education at a school where a teacher is advocating religious hatred, you can refer the school authorities to the ICESCR, which has been ratified by 135 States. Along with Article 18 of the ICCPR and the UNESCO Convention on the Elimination of Discrimination in Education and the Convention on the Rights of the Child, ICESCR legally binds governments to use education to promote understanding, tolerance and friendship among racial, ethnic and religious

groups. This is an important protection in an age when some European governments are still using schools to indoctrinate children against minority religions.

## ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The Organization for Security and Cooperation in Europe (OSCE) is responsible for ensuring implementation of the Helsinki Accords. It is an inter-governmental body which consists of more than 50 European countries, as well as the United States and Canada. It was originally formed to help resolve conflicts during the Cold War and since the end of the Cold War has continued as an inter-governmental organisation which focuses on conflict resolution, security and human rights.

The OSCE has developed a series of treaties which have recognised the vital need for infusing human rights principles into agreements which are essential to resolving conflicts and providing standards for civilised countries to live by. The Helsinki Final Act was adopted in 1975 by the OSCE. It is divided into three sections, described as “baskets.” Principle VII of the first basket protects religious freedom and the rights of minorities.

The Act states that “participating States will recognise and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.”

The OSCE Conference in Vienna in March 1989 laid out in detail specific rights guaranteed by the participating States of the OSCE, including the right to maintain places of worship, the right to ensure religious education of one’s children in conformity with one’s own convictions and the right to have and use religious works. The relevant excerpts are included in the Appendix.

The degree to which each government in practise does enforce the human rights protections in the UN Covenants, the European Convention on Human Rights and the Helsinki Accords is an index of the quality of its democracy.

## STATEMENTS FROM MAJOR RELIGIONS

Since World War II, not only governments but the dominant religions of Western Europe have issued policy statements in favour of religious freedom. While these do not have the force of law, they establish guidelines which representatives of the predominant religions must abide by in their relations with other religious bodies.

Among the most important are the 1948 “Declaration on Religious Liberty” by the First Assembly of the World Council of Churches (WCC), consisting of the major Protestant religions in Europe. It declared that:

“An essential element in a good international order is freedom of religion. This is an implication of the Christian faith and of the worldwide nature of Christianity. Christians, therefore, view the question of religious faith as an international problem. They are concerned that religious freedom be everywhere secured. In pleading for this freedom, they do not ask for any privilege to be extended to Christians that is denied to others.... The rights of religious freedom herein declared shall be recognised and observed for all persons without distinction as to race, colour, sex, language or religion, and without imposition of disabilities by virtue of legal provisions or administrative acts.”

These principles were elaborated on extensively in the declaration and reinforced at subsequent WCC Assemblies.

The other major branch of Christianity—the Roman Catholic Church—communicated its official stance towards religious freedom in the Vatican Council II statement, “A Declaration of Religious Freedom.” It states that:

“The Vatican Council declares that the human person has a right to religious freedom. The freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, nor is anyone to be restrained from acting in accordance with his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits.”

Another major religious influence on Europe is Islam. In recent years, Moslems have increasingly been subject to discrimination often justified by stereotyping of Islam as vengeful and intolerant of other faiths. The Holy Book of Islam, the Qur’an, is clear on the importance of granting to the individual freedom of conscience: “There is no compulsion in religion; Truth stands out clear from Error.”

There is thus no shortage of international laws and guidelines to protect your right to religious freedom. What about the laws of your own country?

# FREEDOM OF RELIGION country by country

WHAT FOLLOWS IS A SHORT SUMMARY OF THIRTEEN EUROPEAN COUNTRIES IN ALPHABETICAL ORDER AND THE DEGREE OF PROTECTION THAT EACH GIVES TO **FREEDOM OF RELIGION**.

It is not intended to be comprehensive but to point to where the problems may lie and to indicate solutions.

In preparing this chapter—and indeed this booklet—we recognise that in matters of human rights there is a considerable gap between the theory and the practise.

The written safeguards are there. The challenge is to translate them into real freedoms that make it possible for people to live happy lives untroubled by discrimination and harassment.

Generally speaking, the more stable and democratic a nation is, the more its officials observe the human rights protections embodied in their country's fundamental laws. Government officials in countries with a history of totalitarianism are the ones most likely to flout human rights laws. These violations are often justified by specious arguments such as "They call themselves a religion, but they are really not one."

The answer is the one given by the European Court of Human Rights in *Manoussakis v. Greece* in

# Chapter Two



Nearly all European countries have constitutions, laws or traditions which protect human rights. The theoretical freedoms are there. The challenge is to translate them into real freedoms that make it possible for people to live happy lives untroubled by discrimination and harassment.

September 1996. The State has no business adjudicating what is or is not a religion. It is enough that a body of believers sincerely hold themselves to constitute a religion.

This ruling is consistent with the policy of the Council of Europe as articulated in a study by its Human Rights Directorate that the term “religion” is “unqualified” as “the protection of the right to freedom of religion is not confined to widespread and globally recognised religions, but also applies to rare and virtually unknown faiths. Religion is thus understood in a broad sense.”

While this may seem to provide an overly broad interpretation of religion, the consequence of allowing the State to define the parameters of religion is seen in history. By appearing to give official sanction to the idea that minority religions are “not recognised”, the State provides discrimination fertile ground. The logical deduction of nonrecognition, for most people, is that the beliefs and practises of minority religious members are not deserving of the rights granted to established religions.

As the European Court noted in *Manoussakis*, seemingly innocuous government action restricting the rights of minority religions operates as a “lethal weapon against the right to freedom of religion.”

In 1997, a major study entitled *Freedom of Religion and Belief: A World Report* was published by the University of Essex Human Rights Centre, one of the most prominent human rights centres in Europe. This study by religious experts around the world specifically found that new religions must be treated in the same manner as traditional religions:

“Freedom of religion is therefore not to be interpreted narrowly by states, for example, to mean traditional world religions only. New religions or religious minorities are entitled to equal protection. This principle is of particular importance in light of the evidence reflected in the Country entries, including those of the European section, revealing that new religious movements are a recurring target for discrimination or repression.”

Government interference with minority religious beliefs and practises creates a climate in which religious persecution becomes the order of the day. It is these considerations, amply demonstrated in history, that led to the formulation of a body of international law to preserve religious freedom from intrusion by the State and to establish religious pluralism.

The State only has the right to interfere where public policy has been violated and then on an individual basis, not against the entire body of believers. In European countries, no one would think of indicting the Catholic Church because one of its priests was accused of misbehaviour. A minority religion should not then be held responsible civilly or criminally because of alleged transgressions by a single or a few individuals.



## AUSTRIA

Austria is a democracy with a Constitution which provides for freedom of religion. Officially, three quarters of the population is Roman Catholic.

Despite Article 14(2) of the Constitution guaranteeing civil and political rights to all Austrians regardless of their religion, in the summer of 1997 one of Austria's leading parties, the People's Party (OeVP), passed a resolution excluding members of alleged “sects” from the party. The OeVP is the sister party in Austria of the German Christian Democratic Union, the first national party ever to bar members of the Church of Scientology from membership solely because they are Scientologists.

The OeVP's Resolution was widely criticized as unconstitutional by the press and by the Freedom party. Austrian government attempts to restrict freedom of religion were also criticized by the U.S. State Department in July 1997.

The UN Special Rapporteur on Religious Intolerance, who reports annually to the United Nations Human Rights Commission on abuses of religious freedom around the world, noted in his 1996 report that “The term ‘sect’ seems to have a pejorative connotation. A sect is to be considered

different from a religion, and thus not entitled to the same protection. This kind of approach is indicative of a propensity to lump things together, to discriminate and to exclude, which is hard to justify and harder still to excuse, so injurious is it to religious freedom... What are the major religions if not successful sects?... One cannot say that sects should not benefit from the protection given to religion just because they have no chance to demonstrate their durability.”

Article 14 of the Austrian Constitution states that:

“(1) Everyone is guaranteed complete freedom of conscience and creed.

“(2) The enjoyment of civic and political rights is independent of religious belief. Nevertheless duties incumbent on nationals may not be prejudiced by religious beliefs.

“(3) No one can be forced to observe a ritual act or to participate in an ecclesiastical ceremony insofar as he is not subordinate to another who is by law invested with such authority.”

Article 15:

“Every Church and religious society recognised by the law has the right to joint public religious practise, arranges and administers its internal affairs autonomously, and retains possession and enjoyment of its institutions, endowments, and funds devoted to worship, instruction, and welfare, but is like every society subject to the general laws of the land.”

In the case referred to in the previous chapter, *in re Fabio Rasp*, the Austrian Supreme Court upheld the right of a mother to retain custody of her child, which had been taken away from her solely based on her religious affiliation. The Court stated that “Article 14 of the European Convention on Human Rights also guarantees protection against discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status; also persons in similar situations without factual and reasonable justification, may not be treated differently.”



## BELGIUM

Belgian law prohibits discrimination based on religion.

Roman Catholicism, Protestantism, Judaism, Anglicanism, Islam and Greek and Russian Orthodoxy each receive government subsidies, which all taxpayers must pay. Each also has the right to provide teachers at government expense for religious instruction in schools, though not all make use of this right.

In May 1997, a parliamentary commission published a report on the activities of alleged “sects” in Belgium. It created immediate controversy because the report urged selective discrimination against no less than 189 different religions, including a number of Catholic, Protestant and Buddhist religious associations. As was pointed out during a parliamentary debate on the report as well as by religious

experts, its findings stigmatized members of these religions based on unverified information and hearsay. Although Parliament reluctantly accepted the report, it did so with the provision that the list of 189 religions named in it has no validity.

The recommendations of the report, which have been criticized as unconstitutional, have not been implemented. However, the report opens the door for religious discrimination in Belgium.

Article 6 of the Constitution from 1831 states that:

“The use of rights and liberties granted to the Belgian people must be assured without discrimination. To this end, law and decree guarantee the rights and liberties of ideological and philosophical minorities.”

Article 16:

“The state is forbidden to intrude in the nomination of the posting of ministers of any religion, and to forbid these ministers to communicate with their seniors and to publish their acts, except in the latter case for common responsibility with regards to press and publishing.”

Article 19:

“Freedom of worship, public practise of the latter, as well as freedom to demonstrate one’s opinions on all matters, are guaranteed, except for the repression of offenses committed when using this freedom.”

There is also a Belgian Cultural Pact of 16 July 1931 which states:

“Article 1: In application of article 6B and 59B, paragraph 7, of the Constitution, the decrees voted by any of the cultural councils cannot contain discrimination of an ideological or philosophical character, and cannot restrain rights and freedoms of ideological and philosophical minorities.”



## DENMARK

The Danish Constitution protects religious freedom. The Evangelical Lutheran Church is, by the Constitution, the State Church. Religious instruction in the state religion is given in schools, though pupils of another religion may be excused.

The Evangelical Church advises the Church Ministry in the government which groups are to receive formal recognition and the right to marry. That the state Church makes this determination is a matter of controversy, owing to the likelihood of bias in a system where one religion decides whether another is “legitimate.”

The potential for discrimination in this system was illustrated in November 1996, when the Church Ministry denied a marriage application license—acceptance of which would have counted as religious recognition in Denmark—from the International Society for Krishna Consciousness (ISKCON), which traces its roots to a 15th century reform movement within the Hindu tradition. Despite ISKCON being widely acknowledged as a religion, the Church Ministry rejected the application with the extraordinary reasoning that ISKCON does not comprise “an actual religious community in the ordinary meaning of the word.”

This decision violated the European Convention on Human Rights and ICCPR, which Denmark has ratified. It was severely criticized not only by Danish religious scholars, but by Danish media. The following July, the Church Ministry unexpectedly reversed its decision and ISKCON now enjoys official recognition as a religion in Denmark.

The Danish Government has established that the following requirements must be fulfilled for religious recognition to be granted:

- a. There must be a religious community and not just a philosophical association.
- b. Its primary purpose must be the worship of God and the religion must have its own teachings.

Part VII, Section 67 of the Constitution states:

“The citizens shall be entitled to form congregations for the worship of God in a manner consistent with their convictions, provided that nothing at variance with good morals or public order shall be taught or done.”

Section 70:

“No person shall for reasons of his creed or descent be deprived of access to complete enjoyment of his civic and political rights, nor shall he for such reasons evade compliance with any common civic duty.”

## FRANCE

By law, France is a secular state. There is complete separation between the church and the state, and thus no legal right exists for the state to officially recognise or not recognise any religion. The government is legally bound not to practise favouritism in its treatment of religions, and the law bans discrimination based on religion.

While this separation protects religious freedom, it is increasingly violated, most controversially in recent times by a Parliamentary Commission which identified more than 170 religious and philosophical organisations as “sects”—among them the Baptists, the religion of the President of the United States, Bill Clinton, at the time the Commission issued its report.

Having attached this label, the Commission then recommended measures be taken against these religions—measures strongly criticized by French scholars and constitutional experts as illegal and discriminatory.

The French bishops’ newspaper, *La Croix*, published a communique from the Office of the Secretary General of the Episcopal conference of France which concluded that the report branded the listed groups “guilty without having been heard according to the normal rule of due process.”

Italian bishops also expressed concern when Opus Dei, the conservative Catholic order, was made a target of the report. Opus Dei is favored by Pope John Paul II, who beatified the group’s founder, Josemaria Escriva de Balaquer, in 1992. Beatification is the first step to papal declaration of sainthood.

In a critique which could also have been directed at the Belgian Commission’s report mentioned earlier, eminent religious scholars including Dr. Massimo Introvigne, Director of the Center for Studies on European New Religions in Turin, and Dr. Eileen Barker of the Information Network on Religious Movements in Britain, roundly condemned the report. They wrote:



“The report of the Commission of Inquiry on Sects amounts to a broadside against hundreds of religious groups engaged in a spiritual quest and willing nothing but the best for their neighbors. With little but the unexamined accusations of anonymous ‘witnesses’ it calls for a witch hunt against the innocent, an irony when one remembers the watchwords by which France likes to be known worldwide—‘liberty, equality, fraternity.’”

The official position of the French government, conveyed to the United Nations Human Rights Committee in July 1997, is that the state has no power to limit the freedom of religion. The French government informed the Committee that the European Convention on Human Rights and ICCPR have been applied by the French courts in more than a hundred cases and that these human rights instruments are superior to domestic law.

Growing religious intolerance in France has led to intrusive measures by the state which contravene this neutrality. Criticizing a court ruling in July 1997 which, applying the European Convention on Human Rights and the French Constitution, found that a particular minority is a religion, the French Interior Minister claimed that he was the only one with the authority to recognise religious associations. Shortly afterwards, the French authorities refused to register one of the religion’s missions. This statement by the French Minister and the refusal of registration contradicted the French government’s position to the UN Human Rights Committee.

The 1905 law which established the separation of church and state prohibits the state from imposing a church tax or subsidizing any religion. However, the state subsidizes private schools, including those that are church-affiliated, and central or local governments own and provide upkeep for religious buildings constructed before the church-state separation law in 1905. According to a May 1996 article in the French newspaper *Le Monde*, indirect subsidies given to Catholic organisations by the state total 40 billion French francs.

Article 1 of the French Constitution states:

“France shall be an indivisible, secular democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race, or religion. It shall respect all beliefs.”

The Declaration of the Rights of Man is appended to the Constitution and further expresses France’s official policy towards religious liberty. Article X states:

“No one ought to be disturbed on account of his opinions, even religious, provided their manifestation does not derange the public order established by law.”

The National Consultative Commission on Human Rights, an independent body located in the office of the Prime Minister, has nongovernmental as well as governmental members. The Commission monitors complaints and advises the government on policies and legislation.



## GERMANY

Germany has no history of religious freedom or tolerance but has a tragic one of religious persecution. With the horror of the Holocaust vividly in mind, after WWII a Constitution was drawn up for Germany mandating that the government remain neutral in religious matters. Germany’s constitution also guarantees religious freedom and the country has ratified the ICCPR and the Optional Protocol.

With these protections in place, it would seem that minorities in Germany are safeguarded against religious persecution. While this is theoretically true, the events of the last five years show that many German officials have undermined both the spirit and the law of Germany’s human rights obligations. Although the Constitution is above all binding on the government, government officials have, as it

were, turned it on its head by discriminating against religious minorities such as the Jehovah’s Witnesses with the justification that these religions are unconstitutional.

Police brutality against Muslims, predominantly Turks and Kurds, is particularly severe in Germany, compounded by the refusal of the government to take effective remedies. In one two-year period, more than 1,000 hate crimes were documented, many of them against Muslims. Many Muslim minorities are denied citizenship, even though they have lived in Germany all their lives. Anti-Semitism is also increasing.

In 1997, a major study by the Human Rights Centre of Essex University, England, found that “In Germany, democracy is used as an ideology to impose conformity. It has been dismaying to discover that the state, and some of its politicians and people, are using what are known from the past to be well-worn paths of discrimination and intolerance and of inciting intolerance towards a new religious minority, the Scientologists.”

The study continued, “recent years have seen an astonishing and, for post-war Western Europe, unique policy of official, and officially endorsed, vilification of and discrimination against certain of these groups including the Jehovah’s Witnesses and, most particularly, the Church of Scientology.” In a move unprecedented anywhere else in the world, the German government placed members of the Church of Scientology under surveillance in June 1997.

Despite the constitutional requirement for the government to remain neutral in religious matters, the Catholic and Lutheran Churches exert considerable influence on the government in a nation whose dominant party is the *Christian Democratic Union* (CDU).

The CDU was the first national party to exclude Scientologists. One of the reasons given for the prohibition was the claim by CDU officials that the Scientology understanding that man is basically good conflicts with the Christian doctrine of original sin adhered to by the CDU.

Many theologians of the predominant churches are also leading politicians. Both the Catholic and Lutheran Churches hold a legal status as corporate bodies under public law, giving them the right to receive income from a "church tax" administered and collected from parishioners by the state. Through the tax and other subsidies, the government provides these churches with more than 17 billion DM annually.

The U.S. State Department noted in a July 1997 report on the persecution of Christians around the world, that "numerous religious groups are active in Germany.... In some German state governments and state/local-level organisations, sect observers work within some political, administrative, and church structures to 'educate' the public and other officials about how to recognise members of sects.... One Christian Charismatic Church led by an American pastor reported that it had been subjected over several years to vandalism, threats of violence, and public harassment or scrutiny by sect commissioners. The church is challenging a 1995 ruling by authorities in Cologne, who revoked its tax exempt status on the grounds that it was not a charitable organisation and 'does not contribute to the cultural, religious, or spiritual value of German society.'"

**The growing intolerance evident in statements and actions by German officials is disturbing.** A powerful and influential state, in recent years German government officials have attempted through the European Community to persuade governments of other European nations to duplicate their policies towards religious minorities.

The growing intolerance evident in statements and actions by German officials is disturbing. A powerful and influential state, in recent years German government officials have attempted through the European Community to persuade governments of other European nations to duplicate their policies towards religious minorities.

More than any other European democracy with the possible exception of Greece, the German government has in recent years encountered strong criticism of its human rights practises. These censures have come from the U.S. State Department, the United Nations Human Rights Committee, various human rights organisations and individual parliamentarians and scholars.

During public hearings into religious intolerance in Europe held by the Helsinki Commission in September 1997, actor John Travolta, jazz musician Chick Corea and singer and songwriter Isaac Hayes testified to numerous examples of discrimination by the German government against Scientologists. The celebrities were joined by German Scientologists, scholars and leaders of the Christian Charismatics, Jehovah's Witnesses and Muslims, who also charged German officials with severe violations of religious freedom.

The hearings received a very high public profile and were widely reported all over the world. Immediately afterwards, in a move many interpreted as direct retaliation, the German government announced that it was considering using its foreign intelligence service to place Scientologists under surveillance overseas.

Ministers of the federal government in Germany have repeatedly made inflammatory public statements against new religions. Germany has a penal code which prohibits incitement of hatred against others. Section 130 states that:

"He who attacks the human rights of others in a way which disturbs the public peace, by:

"1. Inciting hatred against segments of the population;

"2. Calling upon people to take part in violent or arbitrary measures against them; or

"3. Insulting, intentionally libeling or slandering them,

"... is to be sentenced to imprisonment of three months to five years."

Article 3:3 of the Constitution states that:

"No one may be discriminated against because of his sex, his heritage, his race, his language, his birthplace, his beliefs, his religious or political ideologies."

Article 4:1 holds that, "The freedom of faith, of conscience, and the freedom of religious and ideological beliefs are inviolable," while Article 4:2 states, "The undisturbed practise of religion is guaranteed."



## GREECE

The Constitution establishes the Greek Orthodox Church, to which 95% of the population nominally belong, as the prevailing religion, but prohibits discrimination against members of other religions.

When people of a common faith want formally to establish a new religion, they constitute a religious association and apply to the Greek government for a license to establish a place of worship. The Greek Constitution and civil law require that the religion has no secret dogmas or practises. Officially, this is the only barrier to acceptance as a religion.

The Greek Orthodox Church exerts considerable influence through the Ministry of Education and Religion. Religious training is mandatory for Greek Orthodox pupils—pupils not of the Greek Orthodox Church may be excused, though it has been alleged that some pupils have been forced to attend and that books of religious instruction denigrate, for example, the religion of the Jehovah's Witnesses.

Ironically, the Constitution forbids proselytizing. The Jehovah's Witnesses in particular have experienced years of persecution owing to their practise of proselytizing and their refusal to take part in military service. It was calculated by Amnesty International in a 1993 report that between 1938 and 1992, Witnesses had collectively spent more than 5,000 years in military and civil prisons in Greece.

According to the Jehovah's Witnesses, the situation has begun to improve slowly. They are now treated as a "known religion" for employment purposes by the Ministry of Education. This may be due in part to a number of rulings by the European Court of Human Rights in favor of Jehovah's Witnesses, finding Greece in violation of the religious freedom clause of the European Convention on Human Rights. In one case in 1991, the Greek Supreme Court had upheld the conviction of Witnesses for illegally operating a House of Prayer. The European Court overruled, finding that the Greek government's action violated Article 9 of the Convention.

A 1996 report by the International Helsinki Federation for Human Rights (IHF) also criticized the Greek government for religious discrimination. The IHF is a nongovernmental organisation that monitors compliance with the human rights provisions of the Helsinki Final Act—also known as the Helsinki Accords—mentioned in the first chapter. The IHF stated that "... religious communities experience discrimination in various forms, particularly Catholics, Protestants, Jehovah's Witnesses and Scientologists; defamatory reporting significantly increased in 1995 against Scientologists."

The IHF also noted that "In July 1995, the European Commission of Human Rights declared the privileged status of the Greek Orthodox Church to be undemocratic and it was condemned by the European Court of Human Rights in September 1996. However, Greek authorities have so far taken no steps towards providing more equal treatment of religious communities."

Article 13 of the Greek Constitution states that:

"1. Freedom of religious conscience is inviolable. The enjoyment of civil rights and liberties does not depend on the individual's religious beliefs.

"2. All known religions shall be free and their rites of worship shall be performed unhindered and under the protection of the law. The practise of rites of worship is not allowed to offend public order or the good usages. Proselytism is prohibited.

"3. The Ministers of all known religions shall be subject to the same supervision by the State and to the same obligations toward it as those of the prevailing religion.

"4. No person shall be exempt from discharging his obligations to the State or may refuse to comply with the laws by reason of his religious convictions."



## ITALY

The Constitution protects freedom of religion. The government subsidizes the Roman Catholic Church, the Adventist Church and the Assemblies of God. Taxpayers may designate a fixed percent of their tax payment to one of these churches. The Buddhist Community applied for the same funding in 1993, but the government has not yet responded.

Roman Catholic religious instruction in schools is offered as optional.

The law prohibits discrimination on the basis of religion. However, violations of religious liberty are not infrequent. The Church of Scientology, though it has won dozens of court cases recognising its religious nature, has had to contend with sudden closures of its premises and raids on the homes of individual Scientologists.

In 1986, a Milano Judge of Investigation closed down twenty Churches and Missions of

Scientology, forcing the Church to immediately open new premises. Court proceedings began. In 1991, the Church won at the Milano Trial Court, which acquitted nearly all the defendants and found the Church to be a non-profit organisation and guilty of no crimes. The government appealed, and the case went to the Supreme Court, with widely variant rulings issued by the lower courts. One of the criticisms made by the Supreme Court is that a lower court had failed to use the guidelines laid down by the Constitutional Court to establish what is a religion and had ignored the numerous documents and testimonials which showed the religious character of Scientology.

Article 8 of the Italian Constitution states that:

“(1) All religious denominations are equally free before the law.

“(2) Religious denominations other than Catholic are entitled to organize themselves according to their own Creed provided that they are not in conflict with Italian juridical organisation.

“(3) Their relations with the States are regulated by law on the basis of agreements with their respective representatives.

Article 19:

“All are entitled to freely profess their religious convictions in any form, individually or in associations, to propagate them, and to celebrate them in public or in private, save in the case of rites contrary to morality.”

Article 20:

“The religious character and the religious or confessional aims of an association or institution shall not involve special legal limitations or special fiscal burdens for its constitution, legal status, or any of its activities.”

It is also a penal offense in Italy to incite hatred against another because of his religion.



## NETHERLANDS

The Constitution protects freedom of religion and separation of church and state prevents the government from interfering in religious matters. Any group holding itself out to be a religion is held to be so until proven otherwise.

In the early 1980s, the Dutch government conducted an investigation into new religions and concluded that they gave no cause for concern. One of the most tolerant countries in Europe, Holland respects the Constitution and has consistently rejected efforts to stigmatize or discriminate against minority religions.

State subsidies are provided to religious organisations that maintain educational facilities.

Discrimination on the basis of religion is illegal under the law and offenders may be sued in civil court.

Article 1 of the Constitution states that:

“All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race, or sex or on any other grounds whatsoever shall not be permitted.”

Article 6:

“(1) Everyone shall have the right to manifest freely his religion or belief, either individually or in community with others, without prejudice to his responsibility under the law.”



## RUSSIAN FEDERATION

Russia has no heritage of religious liberty to draw on. As the Soviet Union began to crumble in the late 1980s, Russian leaders expressed an unprecedented new vision of religious freedom. This led to the 1990 Religious Freedom Act, Russia's first legislation granting religious liberty.

In December 1993, Russians elected a new Parliament and approved a new Constitution. It established the Russian Federation as a secular state and

forbade any state-sponsored or mandatory religion. It also made illegal the incitement of hatred towards another based on his religious beliefs.

Following the collapse of communism, many religious movements which the former communist regime had barred out of the country began to establish themselves in Russia. During the 1990s, however, Russian Orthodox leaders voiced opposition to the activities of “foreign” religions.

Following the collapse of communism, many religious movements which the former communist regime had barred out of the country began to establish themselves in Russia. During the 1990's, however, Russian Orthodox leaders voiced opposition to the activities of "foreign" religions.

This led to the Russian Parliament introducing a law to severely curtail the rights of all but a select few religions in Russia. After several rejections, the president yielded in September 1997, over international protests.

The law—the most oppressive of any European country—is designed to preserve the religious dominance of the Russian Orthodox Church and accommodate Islam, Buddhism, Judaism and Roman Catholicism. Any religious organisation which cannot prove that it existed in Russia for more than 15 years at the time the law went into effect will not be recognised, and is subject to a series of repressive "registration" requirements aimed at curtailing their activities and preventing the formation of new associations.

The law was a major step backwards for Russia as it tries to emerge from its totalitarian past. It is completely contrary to the Russian Constitution which established Russia as a secular state and also violates the human rights instruments discussed earlier in this publication.

The Constitution of the Russian Federation was adopted December 12, 1993. Provisions relating to religious freedom are as follows:

Article 14 (1):

The Russian Federation shall be a secular state. No religion may be instituted as [a] state-sponsored or mandatory religion.

(2): Religious associations shall be separated from the state, and shall be equal before the law.

Article 19 (2): The state shall guarantee the equality of rights and liberties regardless of sex, race, nationality, language ... attitude to religion, convictions ....

Article 28: Everyone shall be guaranteed the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion, or to profess no religion, to freely choose, possess and disseminate religious or other beliefs, and to act in conformity with them.

Article 29 (1): Everyone shall have the right to freedom of thought and speech.

(2): Propaganda or campaigning [to incite] social, racial, national or religious hatred and strife is impermissible. The propaganda of social, racial, national, religious or language superiority is forbidden.

(3): No one may be coerced into expressing one's views and convictions or renouncing them.

## SPAIN

The Constitution provides for freedom of religion. Roman Catholicism is the predominant religion and its institutions receive official funding.

The government signed an agreement with the Vatican in January 1979 entitling the Catholic Church and its religious orders to set up schools.

Under the Constitution and other legislation, the freedom of parents to ensure the religious and moral education of their children in conformity with their own convictions is assured.

In September 1992, the Spanish government passed legislation which affirms the legal equality of all religions and allows schools to provide religious instruction to Protestant students.

The Constitution provides for equal rights for all citizens and an ombudsman, called the "People's Defender," investigates complaints of human rights abuses by the authorities. He operates independently from any party or government ministry, must be elected every 5 years by a three-fifths majority of Congress and is immune from prosecution. He has complete access to government institutions and documents not barred by reasons of

national security.

Minority religions have encountered considerable discrimination, including arbitrary arrests of members of new religious movements and prolonged detention of their children. In 1994, the UN



## The Constitution provides for equal rights for all citizens and an Ombudsman, called the “People’s Defender,” investigates complaints of human rights abuses by the authorities.

Special Rapporteur on Religious Intolerance reported that twenty-two children belonging to members of the religious group known as The Family were held in child welfare centres for more than a year after the arrest of their parents. In May 1992, a Barcelona judge ordered the acquittal of the adults and the children returned to them. The government appealed. In June 1993, the Barcelona Provincial Court upheld the acquittals, stating that it does not and cannot judge beliefs except where they give rise to a closed, dogmatic and disciplined community which is harmful in character. The acquittals were upheld by the Supreme and Constitutional Courts in October 1994.

Spain has a penal code which makes incitement towards another on the basis of religion illegal.

Article 14 of the Constitution states that:

“Spaniards are equal before the law, without any discrimination for reasons of birth, race, sex, religion, opinion, or any other personal or social condition to circumstance.”

Article 16:

“(1) Freedom of ideology, religion, and cult of individuals and communities is guaranteed without any limitation in their demonstrations other than that which is necessary for the maintenance of public order protected by law.

“(2) No one may be obliged to make a declaration on his ideology, religion or beliefs.

“(3) No religion shall have a state character. The public powers shall take into account the religious beliefs of Spanish society and maintain the appropriate relations of cooperation, with the Catholic Church and other denominations.



### SWEDEN

The Swedish Constitution protects religious freedom. Although the Lutheran Church is the state religion, both the Church and the government have agreed that this relationship will end in the year 2000.

Minority religions are usually treated equally to the established ones in Sweden. The Constitution forbids selective legislation or discrimination against non-traditional religions.

In the 1970s the Church of Scientology brought two cases against Sweden before the European Commission of Human Rights, which expressly ruled that the Scientology Church is a religious community entitled to the protections which flow to such communities under the Convention. These cases also established for the first time the rights of a Church to bring a legal action to defend the fundamental religious rights of its parishioners.

Article 2 of the Swedish Constitution states that “opportunities should be promoted for ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own.”

Article 1 of Chapter 2 of the Constitution, called Fundamental Rights and Freedoms, also states that:

“(1) All citizens shall be guaranteed the following in their religions with the public administration...:

“(6) Freedom of worship: the freedom to practise one’s own religion either alone or in company with others.”

Penal law in Sweden states that one who “threatens or expresses disrespect against a folkgroup or any other such group of persons because of their race, skin colour, national or ethnic origin or faith, is sentenced for agitation against a folkgroup.”



## SWITZERLAND

Because of the nation's linguistic and religious diversity, the Swiss political system grants wide-ranging autonomy to individual cantons.

The Constitution provides for complete freedom of religion. There is no federal state church, but the cantons support one or several churches with public funds. In all cantons, an individual may choose not to contribute to Church support (though in some cantons, private companies may not avoid payment of church taxes).

There have been instances of religious discrimination in some cantons where attempts have been made to restrict certain religions' right to proselytize. There have also been attempts to increase government supervision of religious movements by implementing laws in the health field that could lead to improper restrictions on spiritual healing. Some government officials want to reserve the designation "church" for "recognised" religions only. These restrictions have not been implemented as they would violate the European Convention of Human Rights.

Despite pressure from Germany, Swiss authorities have refused to act as "Big Brother" and place a religious minority under covert surveillance as the German government has done.

The Constitution and laws prohibit discrimination on the basis of religion.

Article 49 of the Constitution states that:

"(1) Freedom of creed and conscience is inviolable.

"(2) No one may be forced to participate in a religious association, to attend religious teaching or to perform a religious act, nor be subjected to penalties of any sort because of his religious beliefs....

"(4) The exercise of civil or political rights may not be restricted by any prescription or condition of an ecclesiastical or religious nature."

Article 50:

"(1) The free exercise of acts of worship is guaranteed within the limits set by public order and morality."



## UNITED KINGDOM

There is no written constitution as such but government policy and long-standing general practise protect freedom of religion.

The United Kingdom is also a signatory to the European Convention on Human Rights and the government has announced its policy to incorporate the Convention into domestic law through legislation in the form of a Bill of Rights. The Labour Party's position paper noted that the English courts may take account of the Convention "in limited circumstances" as the "Convention can and does influence our domestic proceedings" in certain respects. This includes "where the courts have a discretion to act one way or the other, they will seek to act in a way which does not violate the Convention" and "when the courts are called upon to decide what public policy demands, it has been held to be legitimate that they shall have regard to our international obligations enshrined in the Convention as a source of guidance."

The United Kingdom has consistently represented to international bodies that the principles of equality and nondiscrimination required by its international agreements are followed. The government noted in 1995 to the UN Human Rights Committee:

"The United Kingdom continues to believe that the right to equality before the law and the entitlement without discrimination to the equal protection of the law are fully recognised in the established tradition of the common law."

Britain has a large resident population of Jews, Muslims, Sikhs and Hindus, who have complained of discrimination in the media, in that they receive only a small share of the time available for religious broadcasting. In 1997, the Runymede Commission found that misconceptions of Islam as a rigid and intolerant religion were frequently used to justify discrimination against Muslims.

Some years ago, the Home Office indicated awareness of the need for dialogue between the government and minority religions by funding the formation of INFORM (Information Network Focus on Religious Movements), an organisation set up to conduct research into new religious movements and to provide objective and balanced information about them.

In October 1995, the then Home Secretary refused entry to the Rev. Sun Myung Moon, founder of the Unification Church, who had planned to hold a service in Britain for 1,200 people. The English High Court reviewed the matter and ruled that the decision to exclude him should be reconsidered; the Home Secretary refused, saying he would have to reapply. By the time the Court had ruled, however, Rev. Moon's tour itinerary had taken him beyond Britain.

# Remedies if YOUR RELIGIOUS RIGHTS are violated

IF YOU FEEL THAT **YOUR RELIGIOUS RIGHTS** ARE BEING VIOLATED,  
WHAT CAN YOU DO?

Following are some suggested options.

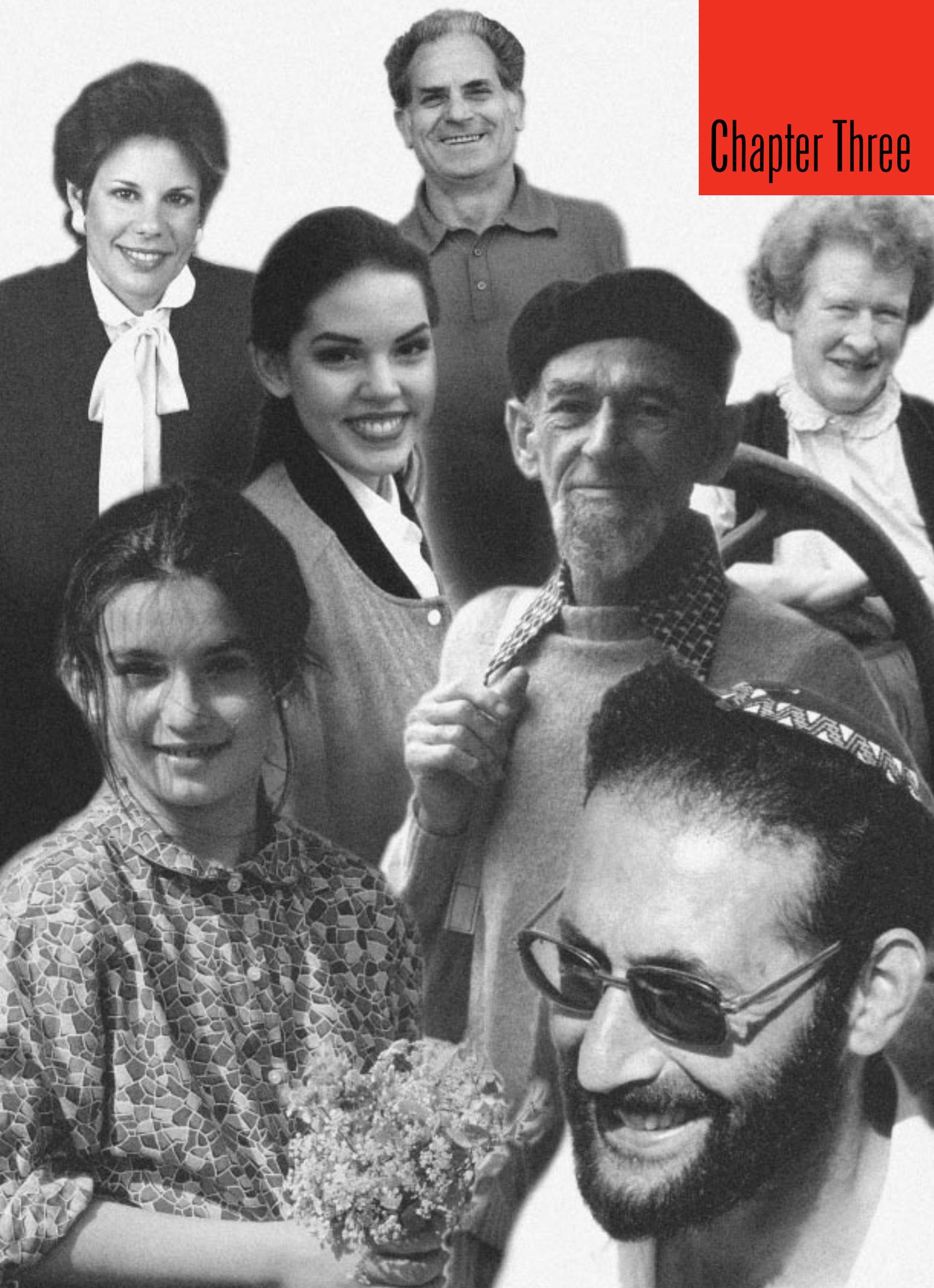
1. The first step, which should be attempted if feasible, is dialogue. Meeting with the government official or whoever is responsible and drawing his attention to the human rights laws he is violating may end the matter. It costs nothing, facilitates a solution through constructive communication, and often defuses the situation. Through such communication, you may find that the official completely misunderstands your beliefs and your religion.

Bear in mind also that most government officials are well-intentioned and prefer to resolve conflicts this way, as it saves them time and inconvenience.

2. If dialogue is impossible or does not lead to resolution, the next level of recourse is a complaint to responsible officials such as the person's superiors. Send a letter (sample on page 29) pointing out the abuse and asking for it to be rectified.

Do not underestimate the impact of such a letter. If more people used this form of recourse, fewer officials would feel comfortable about violating the rights of members of the public. A letter lets the person

# Chapter Three



know that you are aware of what your rights are and not easily intimidated.

Send a copy of your letter to other officials in the government or company responsible and, in the appropriate case, to human rights organisations.

3. There are several possible avenues to seek resolution of the human rights violation at issue, short of taking legal action. Most countries have governmental bodies which investigate such complaints. Human rights groups and citizens groups will be able to provide you with this information.

4. Contact a non-governmental human rights organisation. They specialize in protecting human rights, offer professional expertise and advice based on wide experience and will assist you in protecting your rights if they are being violated.

5. Contact your local representative or Member of Parliament.

6. Many countries have ombudsmen who will take up and investigate allegations of discrimination.

7. There are several human rights bodies to which you can complain. If the discrimination is caused by the government and violates a fundamental right, such as freedom of religion protected by the international treaties described in this publication, consider alerting international human rights bodies such as the United Nations Human Rights Committee, the Office of Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Cooperation in Europe, or the European Parliament. Consider also alerting the United Nations Special Rapporteur on Religious Intolerance if a serious pattern of religious discrimination exists.

The UN Human Rights Committee is responsible for ensuring that each nation that has ratified the International Covenant on Civil and Political Rights complies with its terms. It conducts periodic reviews and each government is obliged to present evidence that it is in compliance with the Covenant.

The ODIHR of the Organisation for Security and Cooperation in Europe is responsible for monitoring the compliance of participating states with the Helsinki Accords.

The Council of Europe also has an Assembly (or Parliament) consisting of representatives selected from the national Members of Parliament. The Assembly does not meet on a weekly basis as does a national Parliament, but for several weekly periods throughout the year. Cases of discrimination can be brought to the national Members of Parliament representing their country as it is amongst their responsibilities to help resolve violations of human rights.

If you are being discriminated against as part of an overall policy of governmental discrimination against your religion, it is best to make these submissions in coordination with your Church, which may wish to complain on behalf of all its parishioners. Lawyer advice is essential if you wish to make an effective case. Legal aid is available in many European countries.

8. File an application with the European Commission on Human Rights once domestic remedies have been exhausted, if you do not obtain success in a national court.

9. File a petition with the United Nations Human Rights Committee, if your country has ratified the First Optional Protocol to the ICCPR, once domestic remedies have been exhausted. A list of countries which have ratified the Protocol is given in the Appendix.

10. Petition the European Parliament Petitions Committee.

11. If faced with a situation such as in Russia, where a regressive anti-religious law virtually breeds discrimination, oppression and religious intolerance, the remedy is to form alliances with like-minded groups equally oppressed and discriminated against. Publicise the intolerance, contact MPs known to have strong pro-democracy views and to be defenders of religious freedom and human rights, and ask them to initiate a human rights campaign to rescind the oppressive law.

Continuously collect and document the abuses committed as a result of this law, submitting the documentation to international human rights organisations and intergovernmental human rights bodies.

12. Contact the media. They may or may not take up your case. This is more likely to be effective if your case is individual and not part of a governmental pattern of discrimination.

It is always best to try the simplest and least expensive remedies first. If you immediately call up your attorney, without first trying to dialogue, then the government official who is abusing your rights will contact his attorney, and the conflict will immediately escalate. You may spend years in litigation over a dispute that could have been settled in a matter of hours.

On the other hand, if you are facing a severe instance of religious discrimination and the simple remedies have not resolved it, do not hesitate to obtain expert assistance to fully defend your rights.

Do not despair or become apathetic because there seems to be no remedy for the injustice you are experiencing. There *is* recourse. A belief that no solution exists to repeated injustices against ethnic, racial and religious minorities is probably the cause of riots and revolutions. Since these solve nothing, and create in turn fresh injustices, it is both more democratic and more effective to use available remedies.

Most important: Know your rights, demand that they are enforced, and defend them to the hilt.

### *Tips for Filing Complaints*

When making a complaint:

- List the specific human rights articles that are violated. If there is no relevant convention or treaty to which the State is a party, refer to the Universal Declaration of Human Rights.
- State the facts, as far as possible in chronological order.
- Include the date, time and place of the incident(s); name and position of the government official responsible; alleged authority, if any, used to justify the human rights violation; place of detention if applicable and names and addresses of any witnesses.
- It is always helpful to include documentation supporting your statements, if possible.

Name

Date

Post

Government Department

Address

Dear Mr. \_\_\_\_:

Re: Religious Discrimination at Work

In the last three weeks, I have experienced several instances where I was discriminated against because of my religion.

On Tuesday, January 19, at approximately 3:15pm, Mr. Boris Müller, the factory manager, with whom I had previously enjoyed a friendly relationship, unexpectedly made a highly derogatory remark about [name of religion] in my presence.\* The incident took place in the canteen during the afternoon break.

I do not know what prompted the remark as our conversation had been about other matters and we have never discussed religion. The remark, intended to refer to all members of my religion, was inaccurate and offensive.

I immediately told Mr. Müller so and pointed out that he probably would not like me to make a similar remark about his religion. He replied that he could not care since he does not belong to any religion. I responded that I respected his right to hold those views, and that he should respect my beliefs too. He simply ended the conversation at that point and walked abruptly away. He has refused since to discuss the matter, hardly talks to me unless he has to and is now channelling work which formerly came to me to other workers. This affects my income and ability to support my family since I am paid on an exchange-for-work basis.

I am writing to you for assistance. Religious discrimination in the workplace is not only illegal under the country's Constitution, but under the International Covenant of Civil and Political Rights and the Helsinki Accords. Article 18 of the Covenant guarantees the right to freedom of religion. Article 20 prohibits incitement of hatred against another or others because of their religion, race or nationality. The Helsinki Accords hold that "participating States will recognise and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience."

This country has ratified both these Treaties. As a branch of local government, your Department in the person of Mr. Müller is bound to uphold them. Currently this is not the case, and I am losing work owing solely to my religious affiliation.

I am bringing this up to you because I refuse to tolerate being discriminated against. Mr. Müller may privately hold whatever views he wishes about my religious beliefs, but he has no right to deny me work based on those views—in fact, it is illegal for him to do so.

I look forward to hearing from you and trust you will be able to settle this matter rapidly so that the work I formerly performed is once more given to me. Should you wish to meet with Mr. Müller and I together, I will be glad to do so as I want to see this conflict resolved.

Sincerely,

Franz Schmidt

*\* At this point, you should include what the actual remark or incident was, as near as you can recall it. Otherwise the discrimination may not be evident and can be challenged.*

# Recommendations for THE FUTURE

**I**t was noted at the start of this booklet that nations with histories of religious persecution are more likely to flout human rights laws than countries which have strong democratic traditions of religious freedom and tolerance.

No government on earth respects all the rights of all its citizens all the time. But, as we have shown in Chapter 2, freedom of speech and religion receive substantially more protection from some European governments than from others.

Even the words “religious freedom,” “cult,” or “sect,” appear to mean different things depending on the nationality of the government official who utters them. Whereas tolerant and democratically-minded officials realise that one man’s cult is another man’s religion, some countries’ politicians use the term intentionally, fully aware of its denigratory and discriminatory effect.

Vested interests also play a part. A church which has been established for centuries in a country and has roots in its political and economic structure is not easily persuaded to forego its “religious monopoly.” This is evident in ongoing attempts to introduce language into the treaties governing the European Union that grant special recognition to the established churches. While apparently innocuous, extending privileged rights to any religion undercuts the whole basis of religious freedom. It opens the door to discrimination against anyone not of that religion.

For the sake of the freedom and happiness of individuals, respect for the principle of human rights must prevail. We have witnessed too often in this century that when freedom of speech, freedom of opinion and freedom of religion are overridden, fascism, “ethnic cleansing” and other evils take hold.

As the UN Special Rapporteur on Religious Intolerance has advised the UN Human Rights Commission in his annual reports to the UN on the state of religious intolerance around the world, the solution lies in education. Schools that teach intolerance will breed a generation of intolerant



leaders and a nation which gives only a surface adherence to human rights principles, while continuing to persecute anyone whose religious beliefs and practises are different from those held by the majority or dictated by a tyrannical leader.

Schools and educational institutions that actively promote and teach the principles of religious freedom and understanding will graduate future leaders who will apply them to the benefit of all people.

It should therefore be an objective of everyone concerned for human rights to encourage that they be taught at secondary school and university level. They should form a part of the basic education of every man and woman.

A more detailed description of how to accomplish these goals is beyond the scope of this booklet. But there is something that everyone can do. Respect the rights of others. And, when you see those rights being flouted, express your disapproval. Do not go along with it. Remember: Human rights bodies declared the 1990s the Decade of Tolerance. That spirit must carry us into the next millenium.

“Action is the only remedy to indifference,” said Elie Weisel during his acceptance speech when receiving the 1986 Nobel Peace Prize. Urging individuals everywhere who are concerned for human rights to speak out against religious persecution, he warned that silence and inaction are the soil which allows oppression to grow:

“Whenever and wherever human beings endure suffering and humiliation, take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.”

These wise words have never been more applicable than they are today.

# Who to CONTACT:

## Addresses of Human Rights Groups

**United Nations Office of the High Commission for Human Rights**  
Palais des Nations  
8-14 Avenue de la Paix  
CH-1211 Geneve 10  
Switzerland

**Office for Democratic Institutions and Human Rights (ODIHR)**  
Krucza 36/Wspolna 6  
00-522 Warsaw  
Poland

**The Rutherford Institute**  
P.O. Box 7482  
Charlottesville, VA  
22906, USA

**Center for Studies on New Religions (CESNUR)**  
Via Bertola 86  
10122 Torino, Italy

**International Association for the Defense of Religious Liberty**  
Schosshaldenstrasse  
17, CH-3006 Bern,  
Switzerland

**International Helsinki Federation for Human Rights**  
Rummelhardtgasse  
2/18  
1090 Vienna  
Austria

**Church of Scientology European Human Rights and Public Affairs Office**  
61 rue du Prince Royal  
1050 Brussels  
Belgium

**Council for Human Rights and Religious Freedom**  
41 rue de la Luzerne  
1030 Brussels  
Belgium

**International Council of Community Churches Human Rights Office**  
16 rue de la Plage  
5100 Namur  
Belgium

**International Institute for Social, Cultural and Religious Understanding**  
Rodovrevej 53  
2610 Rodovre  
Denmark

**Greek Helsinki Monitor**  
Constantinoupoleos 82  
Athens, Greece

**Ad Hoc Committee to Investigate Discrimination Against Religious and Ethnic Minorities in Germany**  
c/o Lord McNair  
House of Lords  
London SW1A OPW  
United Kingdom

**Human Rights Without Frontiers**  
5 rue de la Presse  
1000 Brussels  
Belgium

**Human Rights Watch**  
33 Islington High Street  
London N1 9LH  
United Kingdom

**Human Rights Watch**  
15 rue Van  
Campenhout  
1000 Brussels  
Belgium

**Lift Every Voice Inc.**  
5337 Brynhurst Ave.  
Los Angeles, CA 90043  
USA

**Muslim Women's League**  
3010 Wilshire Ave.  
Suite 519  
Los Angeles, CA  
90010 USA

**Simon Wiesenthal Centre**  
European Office  
64 Ave. Marceau  
Paris 75008  
France

**The Tolerance Foundation**  
6 Gourguliat St.  
1000 Sofia  
Bulgaria

**Unity-and-Diversity World Council**  
5521 Grosvenor Blvd.  
Los Angeles, CA  
90066-6915

# APPENDIX

## UNIVERSAL DECLARATION OF HUMAN RIGHTS (relevant excerpts)

### Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood.

### Article 2

Everyone is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-selfgoverning or under any other limitation of sovereignty.

### Article 18

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 teaching, practise, worship and observance.

### Article 19

Everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

### Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

### Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be in the basis of the authority of government, this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

### Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

## INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (relevant excerpts)

Of the countries covered in this publication, ICESCR has been ratified by:

Austria, Belgium, Denmark, France, Germany, Greece, Italy, Netherlands, Russian Federation, Spain, Sweden, Switzerland and the United Kingdom

### Article 13

1. The States Parties to the present Covenant recognise the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

## INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (relevant excerpts)

Of the countries covered in this publication, ICCPR has been ratified by:

Austria, Belgium, Denmark, France, Germany, Greece, Italy, Netherlands, Russian Federation, Spain, Sweden, Switzerland and the United Kingdom

### Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

### Article 18

1. Everyone shall have the right to freedom

of thought, conscience and religion. This right shall include freedom to have or 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, practise and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

#### Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression, this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.

#### Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

#### Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

#### Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practise their own culture, to profess and practise their own religion, or to use their own language.

### OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (relevant excerpts)

Of the countries covered in this publication, the Optional Protocol has been ratified by:

Austria, Belgium, Denmark, France, Germany, Greece, Italy, Netherlands, Russian Federation, Spain and Sweden

The States Parties to the present Protocol, Considering that in order further to achieve the purpose of the Covenant on Civil and Political Rights (hereinafter referred to as the Covenant) and the implementation of its provisions it would be appropriate to enable the Human Rights

Committee set up in part IV of the Covenant (hereinafter referred to as the Committee) to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant,

Have agreed as follows:

#### Article 1

A State Party to the Covenant that becomes a party to the present Protocol recognises the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by the State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not party to the present Protocol.

#### Article 2

Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.

#### Article 3

The Committee shall consider inadmissible any communication under the present Protocol which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Covenant.

#### Article 4

1. Subject to the provisions of article 3, the Committee shall bring any communications submitted to it under the present Protocol to the attention of the State Party to the Protocol alleged to be violating any provision of the Covenant.

2. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by the State.

#### Article 5

1. The Committee shall consider communications received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned.

2. The Committee shall not consider any communication from an individual unless it has ascertained that:

(a) The same matter is not being examined under another procedure of international investigation or settlement;

(b) The individual has exhausted all available domestic remedies.

This shall not be the rule where the application of the remedies is unreasonably prolonged.

3. The Committee shall hold closed meetings when examining communications under the present Protocol.

4. The Committee shall forward its views to the State Party concerned and to the individual.

#### Article 6

The Committee shall include in its annual report under Article 45 of the Covenant a summary of its activities under the present Protocol.

### THE EUROPEAN CONVENTION ON HUMAN RIGHTS (relevant excerpts)

This Convention is ratified by all the nations covered in this publication.

#### Article 9

(1) Everyone has the right to freedom of thought, conscience and religion; this 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, practise and observance.

(2) Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public

safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

#### Article 14

The enjoyment of the rights and freedoms as set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

### CONCLUDING DOCUMENT FROM THE VIENNA CONFERENCE OF THE ORGANISATION FOR SECURITY AND COOPERATION IN EUROPE, MARCH 1989 (excerpts)

The Concluding Document has been signed and ratified by all nations covered by this publication.

16. In order to ensure the freedom of the individual to profess and practise religion or belief the participating states will, inter alia,

16a - take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise or enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and ensure the effective equality between believers and non-believers;

16b - foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers;

16c - grant upon their request to communities of believers, practising or prepared to practise their faith within the constitutional framework of their states, recognition of the status provided for them in their respective countries;

16d - respect the rights of religious communities to

- establish and maintain freely accessible places of worship or assembly,
- organise themselves according to their own hierarchical and institutional structure,
- select, appoint and replace their personnel in accordance with their respective requirements and standards as well as with any freely accepted arrangement between them and their State,
- solicit and receive voluntary financial and other contributions;

16e - engage in consultations with religious faiths, institutions and organisations in order to achieve a better understanding of the requirements of religious freedom;

16f - respect the right of everyone to give and receive religious education in the language of his choice, individually or in association with others;

16g - in this context respect, inter alia, the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions;

16h - allow the training of religious personnel in appropriate institutions;

16i - respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practises of religion or belief;

16j - allow religious faiths, institutions and organisations to produce and import and disseminate religious publications and materials;

16k - favourably consider the interest of religious communities in participating in public dialogue, inter alia, through mass media;

17 - The participating States recognise that the exercise of the above-mentioned rights relating to the freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments. They will ensure in their laws and regulations and in their application the full and effective implementation of the freedom of thought, conscience, religion or belief.

