



## Meeting with Frans Timmermans

European Commission FIRST VICE-PRESIDENT (2014-2019)

**Better Regulation, Interinstitutional Relations, the Rule of Law and the Charter of Fundamental Rights**

**Monday 30 March**

### PRESENTATION OF THE EHF

The European Humanist Federation (EHF), based in Brussels, was created in 1991 and unites more than 50 humanist and secularist organisations from about 20 European countries. It is the largest umbrella organisation of humanist associations in Europe, promoting a secular Europe, defending equal treatment of everyone regardless of religion or belief, fighting religious conservatism and privilege in Europe and at the EU level.

We stand for:

Complete **separation between religion and the State** throughout Europe and at EU level as the best way to guarantee freedom of religion or beliefs ; Protection of **freedom of religion and belief** ; Protection of **freedom of thought and speech**, which implies opposition to laws prohibiting “blasphemy”; **Equal treatment for all and non-discrimination on all grounds** (ethnic or national origin, religion and belief, disability, age, gender, sexual orientation, etc); Specifically, the promotion and protection of **women’s sexual reproductive health rights** when and where they are threatened.

We are active at the EU level (official partner under Article 17 TFEU), member of the **Advisory Board of the European Parliament Platform for Secularism in Politics** (EPPSP, member of the EU Agency for Fundamental Rights Platform (**FRA**)). We also collaborate with the **Council of Europe** and the **Organisation for Security and Co-operation in Europe** (OSCE). Since 2014, we have also been active at the **Economic and Social Council of the United Nations** where we have a consultative status. Our work towards the UN is made in close collaboration with the International Humanist and Ethical Union

What do we do?

We use our ethical, legal, political and scientific expertise to **propose changes in European and international public policies** when our values are at stake; We promote individual freedom and **oppose the influence of religious conservatism on European policies**; We **work in partnership with a large network of associations** - including progressive religious organisations - with which we share goals and interests to promote fundamental rights in Europe and oppose conservative religious lobbying; We **support our 55 member organisations** based in more than 20 European countries in the challenges they are facing at a domestic level;

Our values:

As humanists, we are deeply committed to the **protection and the promotion of human rights**, in particular, freedom of religion or beliefs (which includes freedom not to believe and change one's believe), freedom of expression (including the freedom to ridicule, criticize and satire religions and beliefs), equality and non-discrimination, women's sexual and reproductive health and rights (including access to contraception, safe and legal abortion and sexuality education), social justice and solidarity. We are committed to defend **secularism** to be understood as the neutrality of public institutions regarding religious and non-religious beliefs.

## ISSUES WE WORK ON AND RECOMMENDATIONS

### 1. Freedom of Thought, conscience and religion: Some examples of our recent actions include

- “End Blasphemy Laws” : joint IHEU-EHF Campaign

In the wake of the Charlie Hebdo attacks in Paris, the EHF and IHEU jointly launched an International Campaign to request the removal of blasphemy laws worldwide: <http://end-blasphemy-laws.org/> . The core principle behind the campaign is to advocate for the principle that no belief or idea must be protected from criticism or satire.

These last months, we have raised this issue at several occasions at the EU level: in our meetings with Italian and Latvian EU Council Presidencies, the European Parliament (EP) and the OSCE. The project rapidly gained supporters and is now backed by an International Coalition Against Blasphemy Laws which gathers transnational federations, national NGOs and various supporting members.

Regarding this issue, the EU holds a **double standards position** since it calls for the removal of blasphemy laws abroad but remains silent with Member States where blasphemy and religious insult are still penalised. Even rarely used and applied in Europe – with some exceptions like Greece<sup>1</sup> - “blasphemy” laws do have a negative deterrent effect on freedom of expression and lend legitimacy to harsher and more widely enforced laws elsewhere.

**RECOMMENDATION:** The EU needs to ensure coherence in its internal and external actions and champion the protection of freedom of expression in its internal policies, as it is already doing externally.

- EU Guidelines on the promotion and protection of freedom of religion or belief (adopted in June 2013).

The EHF was closely involved in their elaboration and was consulted several times by the European External Action Service in the drafting process. We ensured that the Guidelines had a secular and balanced approach and focused on the following points: Ensure that the rights of people holding non-theistic and atheistic beliefs will be equally protected by the EU, ensure that religion and conscience will not be used to undermine other people’s rights and freedoms and make sure that blasphemy laws worldwide are removed.

**RECOMMENDATION:** We hope to pursue with the Commission and the EEAS a dialogue on the implementation of these Guidelines and we believe that the expertise both the International Humanist and Ethical Union and the EHF have developed in the field of non-believers’ rights and issues related to FRoB can be a welcomed tool for the training of EU delegations.

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<sup>1</sup> Blogger Filippos Loizos got a 10 month prison sentence in January 2014 because he mocked a Greek monk on Facebook.

- Violations of FROB worldwide

The EHF highlighted several times cases of violations of freedom of religion or beliefs at the European Parliament - cases of Cheikh Ould M’Kheitir (sentenced to death for apostasy in Mauritania) and Raif Badawi (sentenced to prison and 1000 lashes for promoting freedom of conscience in Saudi Arabia). We had good contacts with the new European Parliament Intergroup on Freedom of religion or beliefs on this issue. This ended up in a direct call from the Intergroup to EU High Representative for Foreign Affairs to focus more on non-believers’ rights in the future (see letter attached).

**RECOMMENDATION:** We urge the Commission and the EEAS to speak against these inhumane sentences and to request immediate release of Cheikh Ould M’Kheitir and Raif Badawi.

## 2. Rule of law in the EU

Violations against human rights and the rule of law persist in several EU Member States. These attacks have increased with the impact of the economic crisis and the growth of extremist and populist movements throughout Europe. Countries like Hungary have clearly drifted in an authoritarian way. The EU needs to protect the rule of law in Europe and we are glad to note Commission’s commitment to do so.

In its communication of 19 March 2014 (see attached), the European Commission proposed to establish an early-warning system which would precede and complement Article 7 TEU mechanisms by allowing the Commission to initiate a dialogue with a Member State in case of a systemic threat to the rule of law.

### REMARKS AND RECOMMENDATIONS

First, could you tell us what actions will be undertaken by the Commission to establish this mechanism?

Second, we would like to raise your attention on several limits of the proposed mechanism: Although the new framework may bring transparency in the dialogue process between the Commission and a Member State drifting away from democracy, it will only be efficient if the Commission is genuinely determined to trigger an Article 7 procedure if the discussion fails. Furthermore, this mechanism does not allow a systematic assessment of each Member States’ compliance with the requirement of democracy and the rule of law but also with their protection of the fundamental rights and values referred to in Article 2 TEU and in the Charter for Fundamental Rights.

We therefore believe that the EU should strengthen its response to human rights abuses on its soil and set up with complementary institutional mechanisms: Would the Commission support and follow-up on the European Parliament’s proposal to establish a new independent mechanism – also referred to as the “Copenhagen mechanism”<sup>2</sup> – to monitor violations of fundamental rights and

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<sup>2</sup> Report on the situation of fundamental rights: standards and practices in Hungary (pursuant to the European parliament resolution of 16 February 2012), (2012/2130 (ini)) ; Resolution on the situation of fundamental rights in the EU of 27 February 2014

values of the EU in all Member States *after* their accession to the EU (and not only before) ? Such mechanism should provide for effective, proportionate and dissuasive sanctions. It should also involve the Council of Europe and the EU Fundamental Rights Agency.

### 3. Women's rights

These last years, we have been very active at the EP level to ensure the adoption of legislations promoting women's rights and more specifically sexual and reproductive health and rights (SRHR). As you may know, several attempts have been made by extremist religious groups and conservative MEPs to undermine these rights at the EU level. As you are aware, the excellent Estrela report on SRHR did not managed to get through this opposition in 2013. But these attacks thankfully did not all succeed (One of Us for instance).

As you know, the European Parliament recently adopted the Report on Equality between women and men in the EU (2013) authored by MEP Marc Tarabella. Adopted with a comfortable majority of 441 votes in favour and 205 votes against, this report addresses persistent and increasing deadlocks on gender equality and proposes actions on a wide range of issues: developing childcare facilities; combating stereotypes against female employment; reducing gender pay and pension gaps; establishing paid paternity leave to enable men and fathers to achieve a better work-life balance and raising awareness on violence against women with a European year dedicated to this issue.

Importantly also, MEPs have clearly agreed that women must have control over their sexual and reproductive health and rights (SRHR), including access to contraception, legal abortion and sexuality education - although the EU can only encourage Member States' policies on this issue and not initiate policies on its own.

#### **RECOMMENDATION**

Commissioner Vera Jourova (Justice, Consumers and Gender Equality) has publically committed on several occasions in front of the European Parliament to advancing a EU Strategy for Equality between Women and Men. The EU has the responsibility to promote equality between women and men (article 3 TUE and article 8 TFUE) and has fallen short on this requirement as new EP's report underlined.

The Beijing Platform for Action stresses on separate and strong institutional mechanisms for women's rights: the EC has to follow this requirement and have a dedicated instrument for equality between women and men. We deeply regret that it was not included in the 2015 work programme of the Commission (see attached). Can you give us a timeline for the proposal of such strategy?

Also, the EC needs to follow on EP's 2015 report on Equality between Women and Men which was just approved and encourage progressive SRHR policies in EU member States. Promoting women's access to healthcare facilities and services is not only a matter of principle; this is also necessary to reach gender equality and to improve public health in Europe.

#### 4. LGBTI rights and non-discrimination

- Reinforcing non-discrimination framework in the EU

The EHF is concerned with the persistence of discriminations, violence, intimidations and bullying, particularly targeting ethnic minorities, Roma, migrants, religious minorities, non-believers and lesbian, gay, bisexual, transgender and intersex (LGBTI) people.

This situation has dramatically worsened with the economic crisis and the growing pauperization in several Member States. This situation has led to a rise of social and political tensions.

#### REMARK/RECOMMENDATION

Given that the horizontal anti-discrimination directive of 2008 is still blocked at the Council, what will be the strategy of the Commission to overcome this situation? This directive would help tackling multiple discriminations outside employment and align the EU with its recent international commitments (ratification of the UN Convention on the Rights of Disabled People in December 2010)

- LGBTI rights

As observed by the Fundamental Rights Agency<sup>3</sup>, LGBTI people in the EU are still discriminated against, bullied and brutalized because of their sexual orientation or gender identity.

In 2013, the European Parliament<sup>4</sup> proposed the adoption of a comprehensive multiannual strategy to protect fundamental rights of LGBTI in the EU. This objective was also confirmed several times by Commissioner Jourova.

#### RECOMMENDATION

We urge the Commission to follow on the EP's proposal and initiate a EU LGBTI strategy fully in line with EU's competences. This would not add any new policies but would clarify and bring visibility on existing activities at the EU level. We are disappointed that it was not included in the 2015 work programme of the Commission.

#### 5. Composition of the European Group of Ethics

The European Ethics Group (EEG) is a consultative body on science and new technologies linked to the European Political Strategy Center (formerly BEPA: Bureau of European Policy Advisors), which is directly responsible to the President of the European Commission.

The EEG gives an opinion on the scientific, legal and philosophical ethical aspects of proposed legislation and rules of the EU Commission. It is made up of 15 independent members appointed for a five-year term by the President of the Commission.

<sup>3</sup> 2013 EU LGBT survey - European Union lesbian, gay, bisexual and transgender survey.

<sup>4</sup> Report on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity (8 January 2013).

The procedure for renewing the group will be launched in the spring of 2015 by the President of the Commission.

In January 2012, the European Association for Free Thought (EAFT) registered a complaint before the European Ombudsman against the President of the EU Commission concerning the over-representation of religious groups in the EEG appointed in 2011. In a February 2014 decision, the European Ombudsman found that *“at the time when the composition of the EEG is next renewed, the Commission might consider clarifying in its call for candidates that religious or personal beliefs are not taken into account in the selection process and that “secular” candidates are invited to apply.”*

#### **RECOMMENDATION**

Following the Ombudsman’s observation, can you ensure us that religious or beliefs will not be taken into account in the selection process and that expertise in theology will be removed from the list of admissible criteria for candidates?

### **6. Implementation of Article 17 TFEU**

How do you plan to implement Article 17 of TFEU? Possibility to have regular meetings as part of the anti-discrimination NGOs’ delegation?

### **7. Opponents to Human rights**

These last years, anti-human rights organisations have been very active at the EU level and campaigned mainly against women’s rights (SRHR) and LGBTI rights. Examples: One of Us (with the objective to cut EU funding for embryonic stem cells research and for family planning NGOs in developing countries).

These organisations are numerous and getting professionalized (present themselves as Human rights activists) : Care for Europe, European Dignity Watch, Agenda Europe, Observatory on Intolerance and Discrimination against Christians, FAFCE – Federation of Catholic Family Organisations, CitizenGo etc.

#### **REMARK**

We regret to see that one of these organisations –WORLD YOUTH ALLIANCE EUROPE - has been granted EU funding (by DG Education and Culture) for its projects for the next 3 years. (see attached). The World Youth Alliance (WYA) was founded in 1999, during meetings of the United Nations for the five-year review of the International Conference on Population and Development (ICPD+5). The World Youth Alliance was developed to assist the anti-reproductive rights lobby at the UN. It holds a strong anti-abortion stance and promotes a definition of sexual and reproductive health and rights contrary to the one agreed by the International community (and the European Commission). It also campaigns against LGBTI rights and for the protection of the “traditionnal” family. It is also against gender equality and promotes “complementarity” between men and women (see below).

Can the European Commission details its funding guidelines and explain how such organisation clearly not in line with EU anti-discrimination policy and principles could be granted such funding? The EHF would be glad to provide further information on this organisation to the Commission if necessary.

Complement information on the World Youth Alliance: Read its Position on the Family written on the occasion of the International Year of the Family 2014

“We affirm that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State (Article 16, UDHR).

We affirm that the family is the natural environment for the growth and wellbeing of all its members and particularly children, and thus should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community (Preamble, CRC). The family is the natural and fundamental group unit of society because it is the place where children are nurtured and raised, thus ensuring the future of society and the State.

The family is natural because it is prior to the State, and not created by the State. The family is therefore both prior to, and necessary for, the development of free, healthy and flourishing societies. Within the family children first come to understand their own intrinsic and inviolable human dignity. Through their complementary roles, mother and father, equal in dignity, show their children that the freedom of the human person is most fully and rightly lived in the gift of self. True love freely received and given within the family is an image of the transcendent love that makes possible the fulfillment and completion of every human being. The family is where men and women first learn to live in genuine freedom and solidarity, and where individuals are equipped to fulfill their social obligations. The family is responsible for the protection of new life and the formation of the next generation. Within strong families, people take seriously their duties and responsibilities in caring for their members and building intergenerational solidarity. The family thus plays a key role in the eradication of poverty. Political and cultural support for the family, because of its importance with regard to social functioning and development as well as the care and well-being of children, the aged and the most vulnerable, should be provided at the local, national and international levels. In honor of this joyful commemoration of the year of the family, we invite every individual to join us in solidarity and seek to strengthen his or her own family; we ask business, arts and media to support us by creating a family-friendly climate; and we ask national, regional and international politicians to hear us and respond by creating the framework for a family-friendly society.”

Source: [http://www.wya.net/wp-content/uploads/2014/12/WYA\\_Position\\_on\\_the\\_Family.pdf](http://www.wya.net/wp-content/uploads/2014/12/WYA_Position_on_the_Family.pdf)