



European Humanist Federation

international non-profit association under Belgian law

Fédération Humaniste Européenne

association internationale sans but lucratif de droit belge

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The European Humanist Federation has been submitting recommendations to OSCE/ODIHR and holding side-meetings for the last five years. We believe that this compilation of recommendations and side-meeting announcements shows that our approach based on human rights and the rule of law complies with the OSCE human dimension framework.

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1: RECOMMENDATIONS

THE 2009 SUPPLEMENTARY HUMAN DIMENSION IMPLEMENTATION MEETING

The following three recommendations were presented:

- Human rights instruments invariably refer to freedom of religion or belief, where belief includes not only religious but also non-religious beliefs such as Humanism, and freedom includes the freedom to reject any or all religions and beliefs.

Regrettably, in legislation, policy documents and speeches Governments commonly adopt exclusive and discriminatory language, referring only to freedom of religion, religious education, religious discrimination or religious hatred, ignoring the existence of non-religious people, implicitly suggesting their unimportance and potentially limiting their rights.

EHF therefore recommends that Governments take care always to use language inclusive of the whole spectrum of beliefs, and that OSCE monitors official use of exclusive language and draws it to the attention of offending Governments.

- The EHF expresses its deep appreciation to OSCE/ODIHR for pursuing the advancement of FoRB and reaffirms its inseparable link with the rule of law and with the other fundamental freedoms and human rights.

Mindful of the widespread de jure and de facto discrimination against non-believers in western European member states, EHF recalls that: "It is very common for legislation not to protect adequately (or not to refer at all to) rights of non-believers. Although not all beliefs are entitled to equal protection, legislation should be reviewed for discrimination against non-believers", (2004 Guidelines for Review of Legislation Pertaining to Freedom of Religion or Belief, p.8).

In the light of the above opinion, EHF recommends that:

1. OSCE/ODIHR address the situation of humanists and of non-believers generally in member states;
2. governments refrain from discriminatory practices against humanists and non-believers in general;
3. the Advisory Panel of experts on FoRB issue guidelines on best legislation for ensuring equal treatment of believers and of humanists and non-believers in general as well as of their representative organisations.

- Mindful of the right of the child to freedom of thought, conscience and religion (Convention on the Rights of the Child) and of the OSCE's 'Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools', the EHF notes that nonetheless non-religious lifestyles continue to be marginalised in the curricula of most public schools in contrast with religious lifestyles.

In light of the above, EHF recommends that public schools which include religion in their curricula should also teach about non-religious lifestyles, that no religious or non-religious lifestyle should be taught as the correct one but that all such education should be done factually and objectively so as to help the child to make its own choice of beliefs. Where there is an option of education in a particular lifestyle, the humanist lifestyle must be one option alongside the religions.

HDIM 2008

The European Humanist Federation, while unreservedly endorsing Freedom of Religion or Belief, is concerned at the growing tendency to identify people on the basis of their religion, because this:

- gives too much importance to religion or belief, a factor that for most people is not highly significant in their self-identity;

- gives undue power to religious leaders, despite clear evidence that they do not democratically represent the views and beliefs of their co-religionists;
- tends to a recognition of so-called group rights, which are an inherent denial of full human rights to individuals within those artificially designated religious groups;
- leads those in power to overlook and discriminate against people with non-religious beliefs or no religious beliefs, whose existence should instead be explicitly recognized in OSCE/ODIHR policies and documents;
- creates artificial barriers not conducive to social harmony and cohesion.

The EHF accordingly recommends that ODIHR takes note of these dangers and promotes more effective implementation of secularism in the sense of separation of religion and politics.

THE 2008 MEDITERRANEAN CONFERENCE ON THE OSCE APPROACH TO REGIONAL SECURITY — A MODEL FOR THE MEDITERRANEAN

Whereas the right to live in peace is a fundamental right of the whole of mankind,

Whereas

“OSCE states have stressed that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order” (<http://www.osce.org/odihr/13494.html>)

Whereas security in Europe is inseparable from that of the Mediterranean,

The European Humanist Federation recommends that:

Governments abide by the international laws that govern peaceful coexistence as well as by all other international instruments conducive to reducing violence, inequality and discriminations in the region,

Governments guarantee the full implementation of the rule of law and respect for the human rights of their people,

Civil society associations on both sides of the Mediterranean cooperate in raising the awareness of their governments of the need to foster the protection of human rights of populations that live in areas of strife.

CONFERENCE ON INTOLERANCE AND DISCRIMINATION AGAINST MUSLIMS, CORDOBA, 9-10 OCTOBER 2007)

■ The European Humanist Federation is concerned at the growing tendency to identify people on the basis of religion as this:

- gives too much importance to religion or belief, a factor that for most people is not highly significant in their self-identity;
- gives undue power to religious leaders, despite clear evidence that they do not democratically represent the views and beliefs of their co-religionists;
- tends to a recognition of so-called group rights, which are an inherent denial of full human rights to individuals within those artificially designated religious groups;
- leads those in power to overlook and discriminate against people with non-religious beliefs or no religious beliefs;
- creates artificial barriers not conducive to social cohesion and harmony.

The EHF accordingly recommends that ODIHR takes note of these dangers and promotes more effective implementation of secularism in the sense of separation of religion and politics.

THE 2007 MEDITERRANEAN SEMINAR

■ The European Humanist Federation draws the attention of participants to the 2007 Mediterranean Seminar to the fact that the promotion of mutual respect and understanding is inherent to the rule of law to which all OSCE member states are committed. However the transition from words to actual facts often leaves much to be desired and is hindered by the likely effect on established privileges as well as by a view of society which tends to exclude or, at best, ignore that part of the population which holds and practices values different from those of the prevailing religion. Given that one of the tenets of OSCE's mission is to uphold the rule of law, the European Humanist Federation recalls that in 1990 in Copenhagen member states declared :

“The participating states are determined to support and advance those principles of justice which form the basis of the rule of law. They consider that the rule of law does not mean merely a formal legality which ensures regularity and consistency in the achievements and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression.

They solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal treatment and inalienable rights of all human beings are the following:

. . . 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 will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground”.

In the light of the above declaration, the European Humanist Federation strongly recommends that OSCE encourage participating states to honour the above commitment, in particular by checking that public radio and television do not discriminate against citizens and civil society associations that follow no religion or a religion different from the prevailing one.

HIGH-LEVEL CONFERENCE IN BUCHAREST, JUNE 2007

The following two recommendation were presented :

■ The struggle for human rights is a vital contribution to the development of democracy, but human rights are threatened by governments that give a privileged position to religious bodies and base legislation on religious morality and rules. We therefore recommend that OSCE ODIHR report on the extent to which these practices are found in member states.

■ An emerging trend which is a source of concern to humanists is that which considers churches as the only source of moral values for the whole of society with the effect of shaping laws according to religious doctrine. This trend undermines democracy and the rule of law and is the single most important source of discrimination against non-believers, homosexuals and members of religions different from the established one. We recommend that public service broadcasters - a crucial educational and awareness-raising tool – uphold equality of citizens by providing humanist as well as religious broadcasting, i.e. programmes about how it is possible to live an ethical and useful life without religion.

HDIM 2006 *(See pages 31 and 36 of Consolidated Summary)*

The following three recommendations were presented:

■ Both religious and non-religious beliefs have to be protected. It is recommended that an ODIHR

expert inquires and reports on the degree to which religious groups are privileged over non-believers in the OSCE area.

- To devote more attention to the rights of non-believers and take note that freedom of religion is only one dimension of the freedom of conscience.
- Specific religious freedom and other human rights violations must be publicly named.

HDIM 2005

The following two recommendations were presented:

- Wherever a legal text mentions freedom to exercise one's religion and to change religion, add the words : " and to have no religion" .
- Wherever a legal text mentions freedom of religion in general, change the wording into : " freedom of religion and freedom from religion".

2: ANNOUNCEMENTS OF EUROPEAN HUMANIST FEDERATION SIDE-EVENTS

SUPPLEMENTARY HDIM 2009

SECULARISM AND THE RULE OF LAW ARE A GUARANTEE OF FREEDOM OF RELIGION OR BELIEF

"The OSCE human dimension goes much further in linking human rights with the institutional and political system of a state. In essence, OSCE states have agreed through their human dimension commitments that pluralistic democracy based on the rule of law is the only system of government suitable to guarantee human rights effectively". (<http://www.osce.org/odihr/13492.html>)

The European Humanist Federation welcomes this Supplementary Human Dimension Implementation Meeting on Freedom of Religion and Belief as a great opportunity both for checking the implementation of FoRB and for monitoring present trends in how to interpret Freedom of Religion or Belief because, like all political concepts, FoRB may be viewed differently according to the eyes of the viewer and to the context to which it is referred.

In this side-event the European Humanist Federation will endeavour to answer the following questions:

- Rights belong to human beings. Are the attempts at applying them also to religions and beliefs and to religious institutions and communities of faith and conviction justified?
- Can a state that is not secular genuinely guarantee Freedom of Religion or Belief? Can it offer equality and non-discrimination?

The delegation of the European Humanist Federation wishes to discuss the above issues with government and NGO representatives as well as with ODIHR officers in the light of the "commitment to the rule of law and in the way it is formulated, as a concept based on the dignity of the human person and a system of rights through law/legal structures". (<http://www.osce.org/odihr/13492.html>)

HDIM 2008

FREEDOM OF RELIGION AND BELIEF: VIEWS AT ODDS

◆ Demonizing Christianity, or deliberately mocking and undermining central tenets of the Christian faith as a means to promoting the rights of other groups is a clear and flagrant contradiction to the religious freedom and mutual respect that all people should enjoy, not to mention the work of building a more just and peaceful community. Such practices and must be seen for what they are: a subversive attempt to dismantle the progress made thus far in the promotion of tolerance and non-discrimination. (Monsignor Anthony R. Frontiero, representative of the Holy See, HDIM 2007,

session 2)

◆ Mockery of religion may be in bad taste but it is an inalienable part of freedom of speech. Mockery may sometimes amount to incitement to hatred, but only in very limited circumstances. Religion is generally hugely privileged in our communities. It is often worthy of respect – but human rights belong to individuals, not to institutions or religions, and attempts to extend human rights to religion itself and to religious institutions are a false and dangerous development that is to be resisted. (David Pollock, president, European Humanist Federation, HDIM 2007, session2)

The European Humanist Federation believes that the rule of law, in a context of uncompromised human rights, acknowledges the right for all civil society actors to take part in debate in the public forum in a spirit of recognising differences and not expecting privilege. The religious should not be silenced in the public arena but freedom of religion, like all human rights, belongs exclusively to individuals and cannot be allowed to curtail freedom of expression.

HDIM 2007

SEPARATION OF CHURCH AND STATE, RELIGION AND GOVERNANCE, DOGMA AND LAW

Humanists and secularists who support separation of church and state and more generally people who cherish democracy are concerned by the role churches are re-asserting for themselves in public life. Confirmation of this is to be found in the new European Reform Treaty as well as in most states that have a concordat with the Catholic church. With few exceptions, politicians and the media support the churches' moves, which means that the public at large is barely conscious that our democracies are being reshaped by non-elected bodies - whose principal loyalty is to their religion - becoming involved in the democratic process and in the delivery of public services hitherto provided by secular public bodies. This starts by giving undue influence to unrepresentative bodies and ends by changing the very nature of democratic legitimacy. Moreover, conceding such power to the major churches, which are usually unrepresentative even of their claimed members, disturbs the scales of democracy and discriminates not only against followers of other religions but also against what is often the majority group in society, namely atheists, agnostics, freethinkers, and citizens who simply do not care about religion. The EHF wishes to discuss with ODIHR, government, and NGO representatives the distinction between the private and the public domain and the principle that public governance pertains exclusively to individuals and bodies elected according to the standards of democratic representation. Like all other civil society associations, churches are private bodies entitled to express themselves freely in public and be consulted by government but not to have any formal involvement in public decision-making.

HDIM 2006

EQUALITY BETWEEN BELIEVERS AND NON-BELIEVERS

In the Vienna Convention (1989) OSCE member states undertook to

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

(16.2) - foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers;”

No definite figures exist as to the number of believers or of non-believers but most reliable sources indicate that between 35 and 50 % (or more) of the European population are either indifferent to religion or declared humanists, atheists, agnostics or freethinkers. Nevertheless, this large part of the population and their non-religious beliefs are rarely recognised and are commonly ignored by

national and international institutions in discussions about discrimination and dialogues to promote mutual understanding. This constitutes a flaw in the effective implementation of the rule of law. The EHF delegation wishes to discuss with government and NGO representatives as well as with ODIHR officers how to implement the Vienna commitment in order to defuse a potential source of tension in our societies.

HDIM 2005

THE STATUS OF NON-BELIEVERS IN EUROPE

Except for a couple of countries that give official recognition to non-confessional philosophical organizations, in Europe there is no such thing as a status for non-believers. This term is used to lump together a heterogeneous lot: atheists, i.e. people who have chosen a non-confessional philosophical stance; agnostics who choose deliberately not to choose one; freethinkers, who want to be free to choose a non-dogmatic vision and, last but not least since they are the vast majority, people who just do not care about religion. Altogether these citizens constitute between 35 and 50% of the European population. However, it must be pointed out that no reliable statistics exist for non-believers or for believers, given the widely different criteria used to define each of these groups, e.g. according to Italian statistics 98% of the population is Roman Catholic meaning those on whom baptism has been imposed at birth although most people cheerfully ignore church precepts in their life style. Secularist and humanist citizens have no official status in Europe and do not seek to have one. Were they to have such a status their state would not be more secular, as hundreds of thousands or more citizens who belong to religions different from the established one would go on being discriminated against. The only guarantee of effective non-discrimination is a totally secular state which abides by the rule of law.

30 June 2009