

## Letter to President Barroso about Dialogue under Article 16C

28 January 2008

The President of the EHF wrote to President Barroso on 28 January 2008 renewing our request for parity of treatment with the churches, having received no substantive reply to his previous letter of 27 February 2007. His letter is reproduced below, followed by President Barroso's reply. (The reference to Article 16C is to the then designation of what is now Article 17 of the Treaty on the Functioning of the European Union.)

On the substantive question of EHF representation at the meetings of the Presidents of the EU institutions with religious leaders, see [here](#).

28 January 2008

Dear President Barroso

You will recall that I wrote to you on February 27 last year asking that we should be invited to the planned meeting of religious leaders with the presidents of the three European Union institutions. In the event we were not included in that meeting, which took place in Brussels on 15 May. When we raised the question with you again at our meeting in July you expressed some scepticism about the idea. We explained that we were serious and asked you to give the matter further consideration.

Now that the Lisbon treaty has been signed, including the Article that covers such dialogue, I am writing again to renew our request and to raise another issue arising from the provisions of the Treaty.

Article 16C of the amended Treaty on European Union now provides that

1. The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.
2. The Union equally respects the status under national law of philosophical and non-confessional organisations.
3. Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations.

Our concerns arise from the mandate for "open, transparent and regular dialogue with these churches and organisations". Such organisations (you will agree) include the European Humanist Federation.

## Open dialogue

In our view, the word “open” requires that the dialogue be open to all eligible parties. This appears to be the Commission’s viewpoint also: its website says of this dialogue:

“Open” simply means that everyone interested in participating in and contributing to European integration policy is welcome to do so. No one is excluded.<sup>1</sup>

When at our meeting you resisted our wish to be included in these meetings, you laid stress on the fact that Humanism is not a religion. This is plainly true – but it is irrelevant. Humanism is a “lifestance” or “world-view” or Weltanschauung, a category that includes both religious and non-religious outlooks – indeed, some lifestances do not fall clearly into one category or the other. All, however, share the role or function of providing people with a framework within which they can find their own answers to so-called “ultimate questions”, including a basis for morality.

Humanism therefore fulfils for humanists the same role as a religion does for its adherents: providing a frame of reference for their whole lives. Likewise, for the large sector of the population of Europe who would describe themselves as atheist, their atheism is more than a simple lack of interest in religion: it is a positive wish to be free of its influence, a wish to live on the basis of this-worldly concerns that is all too often frustrated by religious influence.

These beliefs therefore come within the broad category of “religion or belief”, a term that occurs in all the principal human rights instruments from the Universal Declaration of Human Rights onwards. Indeed, under Article 21 of the EU’s Charter of Fundamental Rights it is laid down that “any discrimination based on . . . religion or belief . . . shall be prohibited”.

Moreover, as has been stated in court cases, it is irrelevant for the purposes of Article 9 of the European Convention whether a lifestance is religious or not. For example, it was said in a recent House of Lords case in the United Kingdom:

“[T]he difficult question of the criteria to be applied in deciding whether a belief is to be characterised as religious . . . will seldom, if ever, arise under the European Convention. . . it does not matter whether the . . . beliefs . . . are categorised as religious. Article 9 embraces freedom of thought, conscience and religion. The atheist, the agnostic, and the sceptic are as much entitled to freedom to hold and manifest their beliefs as the theist. These beliefs are placed on an equal footing for the purpose of this guaranteed freedom.”<sup>2</sup>

The people we represent share many concerns with the religious – matters such as world poverty, social cohesion, social morality, tolerance, human dignity, human rights – and we have constructive things to say about them. We see no reason why we should be excluded from the European Union’s principal forum for consultation with communities of religion and belief concerning such matters.

Therefore, on behalf of the large community of humanists and non-religious people in Europe:

(1) We renew our request to be included, as representing one among many lifestances, some religious and others not, at any future meetings such as those held on 12 July 2005, 30 May 2006 and 15 May 2007 at which you and/or the presidents of the Council or Parliament and/or other representatives of the Union meet representatives of “churches and religious associations or communities”. (We exclude from our request any bilateral meetings that involve only single such church, association or community.)

## **Transparent dialogue**

The web page already referred to states:

“Transparent” means that everyone must have the chance to know at any time about the partners, aims and outcomes of the dialogue. The purpose of this site is to increase the transparency of the dialogue and to inform people about regular events and the latest developments.

We believe that the dialogue is far from transparent. Brief reports have been published by the Commission on two of the three meetings the dates of which are listed above; none that we know of (other than a statement that a meeting occurred) on any of the other events listed on the web page.<sup>3</sup> It may be that reports have been published by the other participants in the dialogue – we have published accounts of our own meetings with you – but the public should be able to find full accounts on the EU’s own website. For our part, we should be perfectly happy to have full reports of our own meetings published and we believe that nothing less can fulfil the demand for transparency.

Not only that, but we share the belief of the European Parliament’s All Party Working Group on the Separation of Religion and Politics, expressed in a recent letter to the President of the Parliament, that

such meetings [should] take place in public and that the agenda and meeting documents [should be] published beforehand and the minutes and the conclusions and the names of the participants afterwards.

Such transparency would be valuable not just in dispelling any unjustified concern about the nature of the relationship between the EU and the churches but also in making it plain whether the church delegations actually put forward the views of the “religious associations or communities” – themselves apparently excluded from the dialogue – that they purport to represent. There is, as you must know, considerable concern among many religious associations, with some of which we have a long record of cooperation, that the church and other religious dignitaries whom you meet are distinctly unrepresentative: elderly, male, highly conservative and out of touch with the views of their congregations.

It is in the interest of ourselves as humanists, of the religious associations and communities, and of the public at large to know whether the views and proposals put forward by your religious interlocutors at these meetings are representative of their congregations, given the privileged access and influence that they are accorded. To the extent that they are not in fact representative, the views of these church leaders should of course carry less weight with the democratic institutions of the European Union.

(2) We therefore ask that full reports of all meetings – bilateral or multilateral – between the institutions of the EU at any level with churches, religious associations, philosophical and non-confessional organisations be published on the EU's website, and we further endorse the request from the All Party Working Group on the Separation of Religion and Politics that “such meetings [should] take place in public and that the agenda and meeting documents [should be] published beforehand and the minutes and the conclusions and the names of the participants afterwards”.

I am copying this letter to the Presidents of the Parliament and of the Council since aspects of it touch on their concerns.

Yours sincerely

David Pollock  
President

Notes:

1. [http://ec.europa.eu/dgs/policy\\_advisers/activities/dialogues\\_religions/index\\_en.htm](http://ec.europa.eu/dgs/policy_advisers/activities/dialogues_religions/index_en.htm)
2. Lord Walker in R v Secretary of State for Education ex parte Williamson [2005] UKHL 15. Other relevant cases include Kokkinakis v Greece: (1994) 17 EHRR 397 at para 31 and Manoussakis v Greece: (1996), EHRR 387 at para 47.
3. [http://ec.europa.eu/dgs/policy\\_advisers/activities/dialogues\\_religions/events\\_en.htm](http://ec.europa.eu/dgs/policy_advisers/activities/dialogues_religions/events_en.htm)

#### **COPY OF PRESIDENT BARROSO'S REPLY OF 17 MARCH 2008**

Dear Mr Pollock

Thank you for your letter of 28 January about the Commission's dialogue with religions, churches and communities of conviction.

You rightly point out that the Lisbon Treaty calls for an open, transparent and regular dialogue of the EU institutions with churches and religious communities and with philosophical, non-confessional associations.

The reason for this is also explained by the same Lisbon Treaty, notably when it introduces and explicit reference to the “inspiration of the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy and the rule of law” (Preamble of the Treaty on European Union).

The Commission is therefore strongly committed to maintain a dialogue with those associations that keep alive that cultural, religious and humanist heritage. This has consistently been and remains the Commission’s policy and practice to which I am personally much attached.

In line with these principles I decided to invite, on many occasions and under several formats, representatives of both religious communities and humanistic non-confessional organizations. In fact you were among the latter, since we had the opportunity to meet and extensively exchange in July 2007. Additionally, the Commission offered to host the 2008 edition of your European Humanist Federation’s annual colloquium, an offer that the EHF willingly accepted. This clearly shows my determination to ensure that the Commission maintains a dialogue with all the religious communities and philosophical organisations mentioned in the Lisbon Treaty.

I am deeply convinced that every community of conviction, be it a confessional or a non-confessional association, has an essential contribution to make to the success of the European integration process. For this reasons I am very determined to ensure that none is subject to any kind of discrimination or benefits from a privileged access in its dealings with the European Commission. Most importantly, I remain strongly engaged in ensuring the continuation of the frank and productive dialogue with all communities of conviction.

Yours sincerely

José Manuel Barroso