

OSCE Review Conference 1999 in Vienna

Statement of Human Rights Without Frontiers

Willy Fautré, *Human Rights Without Frontiers*

On June 22, the Parliamentary Assembly of the Council of Europe unanimously adopted Mr Nastase's report on sects in which it is said among other things that:

1. the word "sect" should be banned and replaced by religious, esoteric and spiritual groups
2. there is no distinction to be made between sect and religion, no classification by state between religious communities on basis of value judgment
3. sect observatories should be independent from the state
4. dialogue and tolerance towards religious, esoteric and spiritual groups should be promoted
5. only illegal acts committed by religious, esoteric and spiritual groups should be prosecuted.

None of these recommendations is currently being implemented by France and Belgium. What is worse is that similar negative tendencies emerge in the parliaments of other member states of the Council of Europe. I will only name two of them: Bulgaria and Hungary.

Bulgaria

In Bulgaria, in July, a new Draft Law on religion introduced by the ruling party places religious institutions again under the supervision of the executive power. According to the Draft:

1. the existence of a religious institution would depend on permission from the Council of Ministers;
2. any religious activities carried out individually or in groups without the appropriate authorization from the Religious Directorate would be punished by heavy fines;
3. the authorities would only allow one religious institution to be created on the basis of one system of beliefs;
4. local authorities would be able to impose a high fine if they consider that the local branches of a religious institution violate their own rules of religious behaviour, and as such they will become a kind of judges of religious courts;
5. the Orthodox Church has special privileges that are not granted to other religions;

This draft law clearly shows that the political authorities and the Orthodox Church attempt to revive the vanished Eastern historical model of church and state relationships and that they fail to comply with their OSCE commitments. The same is valid for Hungary in its own Western context.

Hungary

In Hungary the government works on a new regulation which would require for the registration at least 10,000 members instead of the original 100, or 100 years historical presence in Hungary. This law would come into force retroactive – according to the original plans – and so would deprive 80-90 % of the registered religions of their acquired legal status.

It is explicitly stated that the purpose of the law is the protection of the so-called “real” churches. Therefore they classify the religious communities on the basis of a value judgment which is provided by the traditional churches. The following words of the secretary of the primate Archbishop of the main traditional church clearly show this alliance between the government and these churches: *"[i]f the new law happens to declassify even the 80 percent of the registered churches to associations, then these communities should merely walk along those roads what the Catholic Church did, and if after this they will be worth of it, then they can obtain the name 'church.'* The new denominations should prove that they are as good as the old ones. The name 'church' should be deserved. The state is interwoven with society and not with the church, and since the seventy percent of the population is Catholic, the state would be wrong if it did not support this church."

This not only a distinction between the churches – as the government says – but a serious discrimination.

1. In the case of a retroactive law, most of the religious communities would be deprived of their legal status without reason, and this would harm the principle of acquired rights.
2. A religious community excluded from the legal status of a church would be deprived of some important rights - e.g. tax exemption and other advantages linked to this status.
3. A religious community excluded from the legal status of a church would be forced to pursue its activity as an association and therefore be submitted in its internal rules to the supervision of the state.
4. If the state classifies beliefs on the basis of a value judgment, it will inevitably lose its neutrality. In this case not only minority religions but the whole society is threatened. Recently an important official of the government declared that during the Millennial celebrations, the state should impede the principle of separation between church and state, and should force everybody to participate in these celebrations¹. Neither the government nor the traditional churches have distanced themselves from this declaration yet.

Conclusion

In conclusion, Human Rights Without Frontiers calls upon the OSCE member states to be consistent with their signatures to the 1989 Vienna Concluding Document, to analyze their policies towards religious, spiritual, esoteric and philosophical groups in the light of their various commitments to religious freedom and to reorient their policies, perhaps taking the lead of other countries such as the Netherlands, Sweden, Norway or Finland.

Vienna
22 March 1999

¹*Népszabadság* (a Hungarian daily paper), 2 April 1999 and 13 April 1999.