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Statement

From institutionalized religious discrimination to equal opportunities

A proverb says that one must first sweep his own doorstep before sweeping someone else's, and OSCE member states in Central and Eastern Europe often complain that they are the privileged targets of criticisms in such conferences. That is why, as a citizen of the European Union, I am going to sweep the doorstep of our common house. In the EU, quite a number of states keep and sometimes reinforce their constitutional provisions and laws in such a way that they strengthen what I call institutionalized religious discrimination.

As a starting point, I offer the example of a country of the old Europe: **Austria**. We recently published a report on religious discrimination in that country that is available here at this conference. The International Religious Freedom Report released by the US Department of State on 15 September highlights the same issue. What do both reports say about institutionalized religious discrimination in Austria? Before 1998, Austria made a distinction between two categories of religions: **legally recognized religious communities** and **non-recognized religious communities**. This system flouted the fundamental principle of equal opportunities for religious communities and citizens. Even so, after many years of fighting legal battles, some religious communities managed to qualify for state recognition, but in 1998, Austria hastily revised its legal legislation and created a third intermediary category for the non-recognized religious groups that had applied for the higher status: **religious confessional communities**. Furthermore, stricter criteria were created for and imposed on them and on them only: a 20-year period of existence, at least 10 years of which must be with the status of a confessional community; a minimum membership of at least 16,000 persons; etc. Only 4 of the 13 recognized religious groups and only 1 of the 10 new applicants meet the membership requirement. This gross, institutionalized religious discrimination cannot be accepted.

Human Rights Without Frontiers urges Austria not only to repeal the **1998 Law on the Status of Religious Confessional Communities** but also to dismantle the whole system of recognition, as UN Special Rapporteur Abdelfattah Amor recommended in his report after his visit in situ to Romania in fall 2003

Moreover, a number of discriminatory laws in force before 1998 should be either abrogated or revised. The **Law on Employment of Foreigners** contains a

discriminatory provision regarding employment of religious ministers from other countries when the religion is not recognized in Austria. Other discriminatory laws concerning chaplaincies in public institutions, fiscal and educational facilities should be revised as well. **Also controversial is the creation of a Federal Office of Sect Issues** and other similar offices at the state level which are accused of fostering societal discrimination against minority religious groups. The funding by the Ministry for Social Security and Generations and the City of Vienna of the *Society against Sect and Cult Dangers* has also been questioned.

Austria is just one example of institutionalized religious discrimination. Many other Western European countries having a two-tiered or multi-tiered system of recognition of religions: **Germany, Denmark, Italy, Greece, Belgium** and others.

My country's doorstep also needs to be swept. In **Belgium**, some religions are financed by the state while others are not. The faithful of non-recognized religions who wish to finance their religion are not able to do so and they are unable to prevent the state using their tax money to support the religion of others. **The Foreign Workers' Act of 1999** is discriminatory towards non-recognized religions and **should be revised** so that missionaries of non-recognized religions have the same access to the Belgian territory as those of recognized religions. More, discriminatory laws could be highlighted.

Even in **France**, a country where no religion is recognized by the state, discriminatory laws target religious groups referred to as "sects", although the distinction between religions and sects lacks any legal foundation. Public funding of controversial anti-sect groups is also publicly questioned. Some observers believe the existence of and the activities of the late MILS and now of the MIVILUDES, the *Interministerial Mission of Vigilance against Sectarian Deviation*, foster societal discrimination and intolerance against minority religious groups.

Considering the various forms of structural and institutionalized religious discrimination in Western Europe generated by the system of hierarchy of religions,

Human Rights Without Frontiers urges those states, with the view of providing good examples to the new EU members, to those applying for EU membership and to other OSCE participating States, to:

- Revise existing discriminatory laws on religion and religious matters;
- Disconnect the recognition of religions from the rights to be granted to churches and religious communities;
- Grant equal opportunities and equal rights to religious communities whatever their membership and their historicity.

Human Rights Without Frontiers calls upon the OSCE to

- Identify the participating States, in which a two-tiered or a multi-tiered system is in force;
- Engage in a dialogue with those states;
- Organize an international conference on the issue of state recognition of religions and institutionalized religious discrimination.