

# Human Rights Without Frontiers International

Ave. Winston Churchill 11/33. 1180 Brussels. Belgium

Tel.: 32 2 3456145 – Fax: 32 2 3437491

Email: [info@hrwf.net](mailto:info@hrwf.net) – Website: <http://www.hrwf.net>

---

## OSCE Human Dimension Implementation Meeting

Warsaw, 29 September 2005

### Working Session 17: Tolerance and Non-Discrimination

#### Statement

I salute the OSCE concern about discrimination against Christians and members of other faiths as it was lastly expressed through the organization of the Conference in Cordoba.

Now, I would like to address a facet of discrimination towards religious minorities, Christian and non-Christian, that is rarely raised: the categorization of religions by many OSCE Participating States in Eastern, Central and Western Europe.

In the OSCE space, various forms of registration and state-recognition of religions have led to the categorization of religious groups and to structural religious discrimination against so-called second-rank religious groups and their members. Religious bodies registered in an upper category and their members have more rights than others registered in a lower category. Denying equal rights or equal opportunities to individuals and associations on the basis of their religious orientation is a clear case of religious segregation.

What sort of concrete discrimination can be incriminated in the widespread system of state recognition of a limited number of religions ?

For example and according to the country, religious groups which have been granted a lower status are victims of a number of discriminatory practices:

- They are not eligible to receive state subsidies whilst their members have no other choice than to contribute to the financing of state-recognized religions through the income tax system;
- They are denied the right to engage in a number of public activities;
- They are denied free access to public media;
- They are not permitted to teach religion at public schools; and consequently, children of their members are not only denied appropriate religious classes but in some countries, they are even obliged to follow classes promoting sets of values which are in contradiction with theirs;
- They are not allowed to have chaplains to provide pastoral care to their believers who are in the armed forces, centers for refugees, hospitals or other social or health care facilities, and prisons; and consequently, their members are denied pastoral care on the ground of their religious orientation;
- In some countries, they are denied state recognition of marriage ceremonies;

- In some countries, they are subject to a numerical quota for the issue of visas for foreign religious workers, even if they are volunteers, or they are simply denied any visa;
- In many cases, they are stigmatized as harmful sects/cults and warned against by public and private institutions funded by public powers. In some cases of divorce, child custody has been denied to one of the parents on the ground of his/her religious orientation. In the sect issue, it is however worth mentioning two recent developments. In Belgium, in June, the court of appeal of Brussels condemned the State on the grounds that it had damaged the image of a religious minority that had been blacklisted in the parliamentary report on sects. In France, a court decision specified that the black list of 172 sects established by the sect enquiry commission had no legal value and in May, PM Jean-Pierre Raffarin stipulated that the use of lists of sects should be avoided.

Despite these slight recent corrections in the work of the parliamentary commissions, the aforementioned institutionalized discriminatory practices fully persist in West European countries such as Austria, Belgium, Denmark, Germany or Greece.

The categorization of religions in Western Europe has unfortunately served as a model for post-communist countries in Central and Eastern Europe which have recently become part of the enlarged European Union.

## **Recommendations**

**Considering** that at the 61<sup>st</sup> session of the UN Commission of Human Rights, UN Special Rapporteur on Freedom of Religion or Belief Asma Jahangir urged the international community to commemorate the 25<sup>th</sup> anniversary of the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, proclaimed by General Assembly resolution 36/55 of 25 November 1981, by publicizing it more widely and by enhancing its implementation;

**Considering** that the categorization of religions as a source of structural discrimination has never been seriously addressed in international conferences;

***Human Rights Without Frontiers Int.*** wants to draw the attention of the OSCE to the existence of laws and practices that are not consistent with its non-discrimination standards;

***Human Rights Without Frontiers Int.*** urges the ODIHR, its Advisory Panel and the Personal Representatives to the OSCE Chairman-in-Office to identify the laws and constitutional provisions that lead to various forms of discriminatory categorization of religions in the OSCE space;

***Human Rights Without Frontiers Int.*** urges the OSCE/ ODIHR

- to organize a specific conference on the issue of the discrimination caused by the categorization of religions;
- to open a dialogue with the concerned participating states and to offer them technical assistance to achieve a number of reforms;
- to assess its own strategies, its own actions and the achievements of the concerned member-states on a regular basis.