

Human Rights Without Frontiers Int'l

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Round table with MEP Kamall Syed

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***Religious diversity, human security and human rights:
Challenges or opportunities for the EU?***

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Religious diversity, human security and human rights: Challenges or opportunities for the EU?

By Willy Fautré

Linguistic, cultural and religious diversity is a major characteristic of the European Union. In a number of Member States, religious diversity is a historical reality. In others, diversity has been the result of post-World War II immigration organized by the States themselves. Accommodating these various diversities has been a continual challenge while constructing the European Union. This experience and the lessons drawn from the religious wars which broke out between Protestants and Catholics several centuries ago have contributed to the emergence and the development of a culture of human rights and tolerance.

It is therefore not surprising that since its inception the EU promoted human rights, the protection of minorities, and the peaceful co-existence between peoples beyond their ethnic and/or religious identities. This policy concerns the candidates for EU membership and all the states in the world with which it fosters relations.

Problems arising from religious diversity

The inappropriate management of religious diversity can pose a number of problems as far as the peaceful co-existence of religious or belief communities and states are concerned outside and inside the EU.

In this regard, the European Union has to address a multi-form and complex reality that can produce religious intolerance and cultural protectionism, inter-religious tensions, security concerns and terrorism suspicions, and restrictive laws on religions.

Concrete examples outside the European Union

Religious intolerance and cultural protectionism

In Russia for example, the concept of spiritual security has recently appeared in the political discourse.

In the *2000 National Security Concept*, the Putin Administration stated:

“Assurance of the Russian Federation’s national security also includes protecting the cultural and spiritual-moral legacy and the historical traditions and standards of public life, and preserving the cultural heritage of all Russia’s peoples. There must be a state policy to counter the adverse impact of foreign religious organizations and missionaries.”

This cultural and religious protectionism is not new in Russia. For centuries, the Orthodox Church has developed an aggressive rhetoric towards the Catholic Church which is perceived as invading its canonical territory. Notice boards outside church buildings also warn against the alleged dangers posed by Jehovah's Witnesses, Mormons, Falun Gong, Hare Krishna, and other new religious movements of Western or Eastern origin.

Another concept was also translated into a law in 2002: the fight against extremism. Since then, this law has been used and abused to muzzle non-Orthodox religious groups, to ban items of their religious literature and to prosecute peaceful Jehovah's Witnesses or Said Nursi readers who use or distribute that literature. This practice has now been adopted in other Central Asian countries.

Inter-religious tensions

In Ukraine, inter-religious tensions inspired by political and geopolitical agendas oppose the Orthodox Churches of the Moscow Patriarchate and the Orthodox Churches of the Kyiv Patriarchate. The issue of ownership of churches and other religious buildings has also led to physical violence between parishioners of Greek Catholic and Orthodox Churches.

Inter-religious conflicts also exist inside countries with a Muslim majority, notably between Sunnis and Shi'ites.

Security concerns and terrorism suspicions

In Armenia, Azerbaijan, and other countries, peaceful believers are put in prison because their religion does not allow them to perform military service and to be part of the military machinery. It should be remembered here that conscientious objection is a European value.

In several Central Asian countries, the Islamist movements Hizb ut-Tahrir and Tabligh Jamaat have been forbidden because their political agenda is perceived as a threat to the established order.

In Azerbaijan, some Muslim groups and their literature have been banned because of their supposed relations with Iran and threat to national security.

In China, Muslim Uyghurs are accused of terrorism and Tibetan Buddhists are persecuted on the alleged grounds of separatism.

Restrictive laws on religion

Freedom of association, freedom of worship and of assembly, freedom of expression, freedom of publicizing one's religious teachings and creating new members are restricted in many post-Soviet countries as well as in Iran and China.

It is noteworthy that countries trying to reduce religious diversity on the grounds of security concerns and cultural protectionism are usually far from being democratic. There is an obvious correlation between the level of democracy and the extent of freedom of religion or belief.

The European Union has the necessary mechanisms to address these problems: the EEAS, the human rights dialogues, various European Parliament mechanisms such as the Delegations for Relations with specific countries and regions in its neighborhood and on other continents, the Committee for External Affairs, the Sub-Committee on Human Rights and others.

How should the EU address these issues? Shouldn't there be clear guidelines to address the heterogeneity of problems mentioned above? Have some of these issues been on the agenda on the European Neighborhood Policy or the EP Delegations in their dealings with their counterparts? Is the monitoring of FORB by the EEAS and embassies of the Member States sufficient? Shouldn't there be a special reporting and evaluation system for FORB similar to what the United States has done with the International Religious Freedom Act? Should a list of countries of particular concern be established? Shouldn't a special Commission be put in place to monitor the situation in third countries? Shouldn't sanctions or restrictive measures be applied to countries of particular concern?

These are questions that can be debated during our subsequent Q & A session.

Concrete examples inside the European Union

Inside its borders, the EU is not allowed to deal with the relations between state and religions as these are the exclusive domain of the Member States but to a certain extent it can address the issue of religious intolerance, hate speech, and religious discrimination through the EU Fundamental Rights Agency. In this framework, a number of issues are at stake: social hostility towards Muslims and small religious groups labelled sects, hate speech, discriminatory systems of hierarchy of religions, questionable laws, and constitutional revisions.

Religious intolerance against Muslims

It is a fact that since 2001 an anti-Muslim environment has been developing in a number of EU Member States. The confines of this environment are hard to define due to the widespread array of people – from parliamentarians to internet activists – active in this environment. While there are quite visible and vocal anti-Muslim organizations, informal ties and meetings between influential anti-Muslim activists occur outside of these organizations as well. Some of these activists write books on the topic, and/or are influential voices in the blogosphere.

The anti-Muslim rhetoric is full of misguided ideas and concepts. They are normally used in everyday speech but are given a different and often hostile meaning in this environment. The expression 'Islamization' is for example used to describe a planned and hostile conquest of

Europe, not necessarily through violent means but through high birth rates and demands for special rights.

Conspiracy theories and broad generalizations play an important part in this rhetoric. The perception of Islam revolves around stereotypes and lacks nuance. Shariah law, jihad, demographic bombs, and ‘dhimmification’ are just some of the many stereotypes that are used and abused by those crusaders who bet on a clash of civilizations.

This environment has led to verbal abuse, physical aggressions, desecrations of Muslim tombs and acts of vandalism in several Western democracies or acts of violence by extreme-right political parties against Muslims in Bulgaria for example, where Islam is a historical component of society.

In France and Belgium, laws against wearing burqas have been passed on the grounds of public security or in the name of national values.

Social hostility towards new religious movements

To various degrees, so-called “new religious movements” are victims of social hostility in many EU Member States although they have never been sentenced by courts on criminal issues. This is the case for Jehovah’s Witnesses for example. The French state agency MIVILUDES has blacklisted 173 religious movements, hereby stigmatizing them and their members, and the media has amplified the derogatory discourse of the French authorities. Now, when these religious movements want to build places of worship, there is strong opposition from the local population as is sometimes the case for the construction of a mosque with or without a minaret in other European countries. The local population puts pressure on the municipal council so that it does not grant a building permit. Jehovah’s Witnesses then go to court and usually win their case.

Social hostility is only partly addressed by the Fundamental Rights Agency.

State discrimination based on religion or belief

In many EU countries, states have established a hierarchy of religions. According to the category in which religious groups are put, they have more or fewer rights than others. Such systems exist in Belgium, Austria, Greece, Romania, Bulgaria, and Slovakia... According to the country, religions which are in the upper category may enjoy a number of privileges while those of lower categories do not: the right to organize religious classes in public schools, to have chaplains in prisons and in the army, to receive state subsidies to pay their clergy and maintain their buildings in good condition, tax facilities, etc.

This institutionalized discrimination is not addressed by the EU or the Fundamental Rights Agency.

Questionable legislations and constitutional revisions

Austria has recently made some changes to its religious legislation which make it more difficult for religions to access the upper category of privileged religions.

In Hungary, the very liberal law on religions has been totally dismantled during its presidency of the EU. Up to this year, all religions were treated on the same footing. Three hundred religious groups could be financed by their own members through the income tax system as in Italy with the 0.8% system. The hierarchy of religions that has now been put in place reserves this possibility to only 14 churches and in practice makes it impossible for other religions to be registered in the upper privileged category. The law also introduces a number of other discriminatory provisions. A revision of the constitution has further aggravated this worrisome trend.

The EU mechanisms that should have taken initiatives to address some of the issues mentioned above have failed to do it.

Conclusion

While efforts to streamline human rights in EU policies have gained momentum recently, the capacity and the policy of the European Union to seek alignment of national policies should be enhanced, especially with regard to the most obvious breaches of EU norms and principles in national law making and practices. Therefore, the monitoring of the EU Member States' compliance with fundamental rights still needs to be fully developed and duly utilized.

Which role should the European Parliament play to show the outside world that the EU is concerned about violations of human rights in its member states? How can the EU enlarge the mandate of the EU Fundamental Rights Agency (FRA)? Which EU mechanisms should be activated and how can they influence the FRA to give its opinion on controversial religious laws and constitutional provisions? These are a few questions that could be debated

My general conclusion is that the EU must firmly defend its own values inside its borders if it wants to be credible in its efforts to promote human rights outside its borders. How can civil society contribute to it? How can the European Parliament contribute to it?