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COMMENTARY: What about religious freedom?

By Arie de Pater, Director of Jubilee Campaign NL

In this personal commentary contributed to Forum 18 News Service www.forum18.org, Arie de Pater, director of Jubilee Campaign NL, argues that the European Union (EU) should pay greater attention to restrictions on religious freedom in many of the ten states which will join the EU in May 2004 (Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia & Slovenia) and in states that hope to join any further expansion (Bulgaria, Croatia, Romania & Turkey potentially due from 2007). Drawing on a report on religious freedom in the candidate countries, compiled by Jubilee Campaign NL with the assistance of Forum 18 and others, published today (2 December 2003), he notes that even in the first batch of accession countries, criticism of religious law and practice can be levelled at the Czech Republic, Hungary, Latvia, Lithuania, the Slovak Republic and Slovenia. He questions why the European Commission's 2003 Comprehensive Regular Report makes no criticism of Bulgaria's new denominations act, which has been sharply criticised in Bulgaria and abroad.

May 2004 will see the enlargement of the European Union (EU) with ten new member-states, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic and Slovenia. Several others - Bulgaria, Croatia, Romania and Turkey - would like to join but will have to wait until at least 2007. The European Council insists that candidate countries must ensure "stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities". Fine words, but what about the right to freedom of religion?

The Dutch Christian human rights organisation Jubilee Campaign NL, closely linked to namesakes in the United Kingdom and the United States, has compiled a report about the religious law and practice in the new and future EU member-states with the assistance of Forum 18 and others (report downloadable from 'Hearings' page of the Forum 18 website at <http://www.forum18.org/Hearing20031202.html>).

The EU's acceptance of the ten new members means that, in the eyes of the European Council, these states comply with the political and economic criteria. Yet Jubilee Campaign NL's report has found that this is not the fact as far as religious freedom is concerned. Criticism of religious law and practice can be levelled at the Czech Republic, Hungary, Latvia, Lithuania, the Slovak Republic and Slovenia.

In the states which have applied for membership in 2007 or thereafter, only Croatia seems to come close to respecting fully the right to freedom of religion. In the other countries, much work still has to be done.

Most astonishing is the situation in Bulgaria, one of the countries hoping to join the EU in 2007. The Denominations Act, which came into force on 1 January 2003, has been seriously criticised by - among others - the Bulgarian Helsinki Committee and the United States Commission on Security and Cooperation in Europe (CSCE). Yet in the 2003 Comprehensive Regular Report published by the European Commission on 5 November (available with other accession reports at http://europa.eu.int/comm/enlargement/report_2003/index.htm), the new law is only mentioned and the positive aspects are highlighted. There is no criticism. By contrast, and to its credit, the report on Turkey contains several pages of detailed and specific criticism of restrictions on religious freedom.

In most of the Central and East European countries, the governments favour majority or so-called "traditional" religions, while minority religions or beliefs are sidelined. The latter are at the very least regarded as foreign and strange - or at worst as dangerous. As governments feel obliged to protect society from harmful influences, they adopt a defensive attitude towards these new religious groups. Illustrating this, these new religious movements are often described pejoratively as "sects".

One defensive tactic is the compulsory registration of religions and beliefs. Registration as such does not violate the religious freedom of citizens, but in practice registration procedures are often discriminatory as the procedure is usually not confined to administrative questions. The authorities often take it upon themselves to assess the aims of the group and statements of faith. As this process is often opaque and therefore not subject to control, the registration procedure is open to arbitrary decisions and abuse.

In both the Czech and the Slovak republics, there is a minimum membership requirement for registration, respectively 10,000 and 20,000. This does not necessarily infringe on religious freedom but it does when registration is compulsory or when registration is

necessary to obtain state funding or other privileges.

In practice, new religious movements in the Slovak republic are forced to register with the Ministry of the Interior as civic-interest associations to obtain juridical status. The Slovak Institute of State-Church relations points out, however, that this is illegal as this type of association may not have a religious purpose.

Governments must be highly careful when identifying religious movements as dangerous. When religion or belief is on occasion misused by some individuals, these individuals should be prosecuted under the normal criminal law, but this should only exceptionally be a reason to suspend the whole group.

Given that the report unveiled several serious shortcomings in religious law and practice of the ten states already accepted for membership, the European Commission must review its opinions and oblige the new member-states to bring their legislation into compliance with international human rights treaties as quickly as possible.

With the presentation of the regular reports of the European Commission, the EU Enlargement Commissioner Günther Verheugen presented a list of 39 urgent points on which the candidate countries must make improvements before 1 May 2004. These points all relate to the economic criteria. The Commission must add at least one extra point to this list of critical remarks: this 40th point is the right to freedom of religion and belief. This right is too fundamental to be neglected.

A printer-friendly map of Europe is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe>

Arie de Pater, director of Jubilee Campaign NL, contributed this comment to Forum 18 News Service <http://www.forum18.org> . Commentaries are personal views and do not necessarily represent the views of F18News or Forum 18.

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