



RELIGIOUS FREEDOM PILLAR OF THE HUMAN RIGHTS POLICY IN THE EXTERNAL RELATIONS OF THE EUROPEAN UNION

a report to the Bishops of COMECE



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(Translation of the French original)



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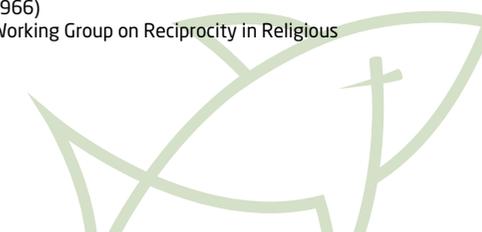
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“The human person has a right to religious freedom, and all people, in every part of the world, should be immune from coercion on the part of individuals, social groups and every human power.”¹

John Paul II, Ecclesia in Europa

¹ John Paul II, Apostolic Exhortation “Ecclesia in Europa”, 28 June 2003, § 57, quoting the Declaration “Dignitatis Humanae” on the Right of the Person and of Communities to Social and Civil Freedom in Religious Matters, Vatican Council II, 7 December 1965, § 2.



EXECUTIVE SUMMARY

Considering:

the duties and obligations of the European Union in protecting and promoting human rights, including religious freedom, as defined in its Charter of Fundamental Rights (Article 10.1) (2000)² which states:

Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.

- the violations of the fundamental rights to religious freedom and the religious persecution and discrimination taking place in many countries of the world,

the institutions of the European Union – including:

- the European Commission,
- the Council,
- the European Council,
- the European Parliament,

the High Representative of the Union for Foreign Affairs and Security Policy,

and the European External Action Service (EEAS)

are invited to give their consideration to the various recommendations set out in this Memorandum so as to contribute, within their respective responsibilities, to the furtherance of religious freedom under the human rights policy conducted by the European Union in its external relations.

² Article 10.1 of the EU Charter of Fundamental Rights draws on Article 9.1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), which in turn draws on Article 18 of the Universal Declaration of Human Rights (1948).

INTRODUCTION

Recently the Council of the European Union (EU) reaffirmed “*the strong commitment of the European Union to the promotion and protection of freedom of religion or belief*” and “*its intention to continue to give priority to the issues as part of the European Union’s human rights policy*”³.

The Church has herself espoused for a long time the cause of religious liberty in the world, especially through the COMECE Secretariat, which is bringing this Memorandum to the attention of the institutions of the EU. By means of this Memorandum, the Church wishes to make her contribution to **protecting and promoting the basic right to religious freedom** in the framework of **EU external policies**. To this end, a number of specific avenues are proposed in this paper in the form of a series of **recommendations**.

The promotion of the universal right to religious freedom is based on the **dignity of the human person** and natural law, on respect for basic freedoms, on love for one’s neighbour and on the quest for truth. Yet, as stated by Pope John Paul II during his meeting with young Muslims in Casablanca in 1985⁴, and as restated by Pope Benedict XVI a few years later, the furtherance of these freedoms on the basis of reciprocity is a virtuous means at a secondary level insofar as it also favours “*peace and agreement between the peoples*”⁵.

Violations of religious liberty, and even religious persecution, are being perpetrated against religious minorities in many countries in the world. This is especially the case in Asia, such as in the Indian state of Orissa, China, Myanmar, Laos, Vietnam and North Korea, where certain minorities, particularly Christians and/or Muslims, are suffering. In other countries, the faithful of the majority religion may themselves be suffering from violations of their religious freedom in the context of a regime that oppresses religion in a general sense: this is the case for Muslims in some countries of Central Asia – this being a leftover of atheist Communism. In

³ Conclusions of the Council of the European Union on freedom of religion or belief, 2973rd Session of the Council – General Affairs, Brussels, 16 November 2009 - www.consilium.europa.eu/uedocs/cmsUpload/111190.pdf.

⁴ John Paul II, Address to Young Muslims, Casablanca, 19 August 1985 – www.vatican.va/holy_father/john_paul_ii/speeches/1985/august/documents/hf_jp-ii_spe_19850819_giovani-stadio-casablanca_en.html.

⁵ Benedict XVI, Address to the Ambassadors of countries with a Muslim majority and to the representatives of Muslim communities in Italy, 25 September 2006 – www.vatican.va/holy_father/benedict_xvi/speeches/2006/september/documents/hf_ben-xvi_spe_20060925_ambasciatori-paesiarabi_en.html.



other mainly Muslim countries, some Muslim minorities (such as Sunni/Shiites) sometimes suffer from violations of their religious freedoms.

Given this situation, in terms of international justice, the **goal of universal relevance** is the improvement in the exercise of religious freedom throughout the world, notably for religious (including Christian) minorities. As has just been mentioned above, it is not only they who suffer from attacks on this basic right as other minorities – including Jews, Muslims and Baha'is – are likewise affected. However it is important to recall that **at least 75% of all religious persecution in the world is directed against Christians**⁶. The number of the Christian faithful discriminated against, oppressed or persecuted in this regard amounts to some approximately **100 million people**⁷.

Because of this situation, for several decades now our world has witnessed a constant migratory flow of religious minorities, including Christian minorities. This flow has been witnessed, *inter alia*, from predominantly Muslim countries in the direction of Europe, North America and Australia. Therefore, an improvement in the respect shown towards religious freedom, *inter alia*, in countries of the Middle East, should, together with other factors (particularly economic factors), contribute to a stemming of the demographic haemorrhage which has affected these said religious minorities who have found themselves abandoned by the international community and in the assistance of which the EU is called to act.

⁶ Thomas Schirrmacher, "Defending religious freedom of Christians benefits all", *International Journal for Religious Freedom*, 1 (2008) 1, p. 13.

⁷ This is the figure estimated by the 'Open Doors International' organisation on the basis of a wide definition of persecution, covering all the Christians who, because of their faith, are suffering discrimination, live under threats, or lose their lives. Source: www.opendoors-de.org/verfolgung/weltverfolgungsindex/index. Other sources (such as the World Evangelical Alliance's "Geneva Report 2005 - A perspective on global religious freedom: challenges facing Christian communities", MBS Texte, 045 (2005), Martin Bucer Seminar / Pro Mundis / Evangelische Allianz / AKREF, p. 3 - www.bucer.org/uploads/media/mbstexte_045.pdf - or Paul A. Marshall & Lela Gilbert, *Their Blood Cries Out: The Untold Story of Persecution Against Christians in the Modern World*, Dallas, Word Publishing, 1997) mention the higher figure of 200 million Christians persecuted in the world. But this figure is regarded as less credible.

1. THE EU'S OBLIGATIONS AND DUTIES WITH REGARD TO THE PROTECTION AND PROMOTION OF HUMAN RIGHTS

The EU and its Member States are under an obligation to respect, and duty-bound to promote, all basic freedoms, including religious freedom, both within the EU and throughout the world. In other words, they are to guarantee respect for religious freedom, including, amongst other things, the freedom of worship of religious minorities.

The legal foundations of this obligation are set out in the EU's Charter of Fundamental Rights (Article 10.1) (2000) which is based on Article 9.1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), the latter drawing upon Article 18 of the Universal Declaration of Human Rights (1948). This last document states:

Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.

The importance of the fundamental right to religious freedom has recently been recalled by the Council of the EU, in a Resolution adopted on 16 November 2009 when it declared as follows:⁸

The Council recalls that freedom of thought, conscience, religion or belief applies equally to all persons. It is a fundamental freedom which includes all religions or beliefs, including those that have not been traditionally practised in a particular country, the beliefs of persons belonging religious minorities, as well as non-theistic and atheistic beliefs. The freedom also covers the right to adopt, change or abandon one's religion or belief, of one's own free will.

The adoption of this Resolution by the Council of the EU is a great sign of hope and the institutions of the EU are warmly encouraged to pursue this direction.

⁸ Conclusions of the Council of the European Union on freedom of religion or belief, 2973rd Session of the Council – General Affairs, Brussels, 16 November 2009 - www.consilium.europa.eu/uedocs/cmsUpload/111190.pdf.



2. RELIGIOUS FREEDOM IN THE SOCIAL TEACHING OF THE CHURCH

While the Church, in her claims in favour of religious freedom, relies on the duties and obligations of the EU in this domain, she also equally relies upon her own Social Teaching. In explaining this Social Teaching we will first deal with the place that this right to religious freedom holds in relation to other fundamental rights, then move to its content – its definition and scope - before dealing with the issue of reciprocity.

2.1. THE PRIMACY OF THE RIGHT TO RELIGIOUS FREEDOM ANCHORED IN HUMAN DIGNITY

The right to religious freedom cannot be likened to a right based simply on freedom of opinion. Respect for human dignity is derived from respect for “**each man**” and for “**the whole man**”⁹ - that is to say, it aims at the **integral development** of every human being as much on the natural level as on the supernatural level¹⁰. The Church is keen to recall that freedom of religion is a **primary and inalienable right** of the human person: “*what is more, insofar as it touches the innermost sphere of the spirit, one can even say that it upholds the justification, deeply rooted in each individual, of all other liberties*”¹¹. That is how religious freedom finds itself listed among the fundamental liberties that the Church has to defend as a matter of priority:

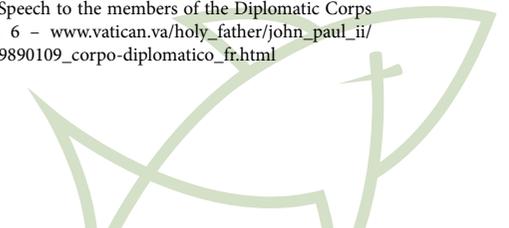
*The right to religious freedom is so closely linked to the other fundamental rights that one can rightly assert that respect for religious freedom is like a ‘test’ for the observance of the other fundamental rights*¹².

⁹ Cf. Paul VI, *Populorum Progressio* – Encyclical letter on the development of peoples, 26 March 1967, §14 & 42 – www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_26031967_populorum_en.html

¹⁰ Cf. Benedict XVI, *Caritas in Veritate* – Encyclical letter to the bishops, priests and deacons, to religious men and women, the lay faithful and all people of good will on integral human development in charity and truth, 29 June 2009, §18 – www.vatican.va/holy_father/benedict_xvi/encyclicals/documents/hf_benxvi_enc_20090629_caritas-in-veritate_en.html

¹¹ John Paul II, Message to the signatory countries of the Helsinki Final Act, 14 November 1980 – www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/documents/hf_jp-ii_mes_19800901_helsinki-act_en.html

¹² Passage highlighted by the authors. John Paul II, Speech to the members of the Diplomatic Corps accredited to the Holy See, 9 January 1989, § 6 – www.vatican.va/holy_father/john_paul_ii/speeches/1989/january/documents/hf_jp-ii_spe_19890109_corpo-diplomatico_fr.html



Respect for this fundamental right by the State is indeed a way of assessing the State's respect for human rights, rights which are indeed anchored in **human dignity**. These rights, among which is the right to religious freedom, emanate from the natural law and indicate the existence of an order surpassing the mere political dimension of existence – an order that pertains to the realm of free adhesion to a community of salvation that precedes the State. So, “*even if, for historical reasons, a State grants a special protection to a religion, it is also duty-bound to guarantee to religious minorities liberties at both individual and community level, which proceed from the common right to religious freedom in civil society*”¹³.

2.2. THE DEFINITION AND SCOPE OF THE RIGHT TO RELIGIOUS FREEDOM

In 1965, the Second Vatican Council, proclaimed as follows in its Declaration on “Human Dignity”¹⁴:

The human person has a right to religious freedom. This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits.

In fact the Church, without in any way giving up the Truth which is found in Christ, is fully committed to the defence of the right to religious liberty, which is integral to **human dignity** and which is a fundamental condition for the genuine quest for truth, which “*cannot impose itself except by virtue of its own truth*”¹⁵. The consequence of this fundamental liberty, which is inherent in humankind, is that it must be recognised by law and guaranteed by the civil order.

The right to religious freedom, the exercise of which should be guaranteed within due limits, covers multiple aspects, most particularly the following¹⁶:

¹³ Idem.

¹⁴ Declaration “*Dignitatis Humanae*” on the Right of the Person and of Communities to Social and Civil Freedom in Religious Matters, Vatican Council II, 7 December 1965, § 2

¹⁵ *Ibidem*, § 1.

¹⁶ For a more comprehensive list, see Appendix I: Dimensions of the right to religious freedom at individual and community level – Excerpts from the Message delivered by Pope John Paul II to the signatory countries of the Helsinki Final Act on 14 November 1980 - www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/documents/hf_jp-ii_mes_19800901_helsinki-act_en.html.

- > at the level of the individual:
 - freedom to hold or not to hold a particular faith,
 - freedom of worship,
 - free choice by parents to educate their children in their religious convictions,
 - freedom of action in the name of one's religious and moral convictions regarding various aspects of living in society,
 - right to pastoral care in any place,
 - right to faith-based conscientious objection,
- > at the collective level:
 - organisational autonomy of Churches,
 - freedom to exercise one's ministry,
 - freedom of religious training and teaching,
 - freedom to proclaim one's faith and its associated moral teaching,
 - freedom of collective action in the name of one's shared religious and moral convictions regarding various aspects of living in society,
 - freedom to carry out charitable activities.

2.3. RELIGIOUS FREEDOM AND RECIPROCITY

In light of the violations of the right to religious freedom in many countries of the world, over the past few decades the need for reciprocity has been a continually renewed request made by the Catholic Magisterium¹⁷:

*In relations between Christians and persons of other religions, the principle of reciprocity is important. It is to be understood not merely as an attitude for making claims but as a relationship based on mutual respect and on justice in juridical and religious matters.*¹⁸

Indeed, the situation of non-reciprocity, or lack of reciprocity, brings about “*the*

¹⁷ Cf. E. Divry, “Réciprocité religieuse : ni rétorsion, ni placidité – La position catholique”, *Liberté politique*, n°44, Spring 2009, p. 65.

¹⁸ Instruction “*Erga migrantes caritas Christi*”, Pontifical Council for the Pastoral Care of Migrants and Itinerant People, 3 May 2004, § 64. Pope Benedict XVI emphasised the “huge importance” that the Instruction *Erga migrantes caritas Christi* gives “and rightly so” to the principle of reciprocity in inter-religious relations. Cf. Benedict XVI, Speech to the Plenary Session of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, 15 May 2006 – www.vatican.va/holy_father/benedict_xvi/speeches/2006/may/documents/hf_ben-xvi_spe_20060515_pc-migrants_en.html.



*astonishment and the feeling of frustration of Christians who welcome, for example in Europe, believers of other religions, giving them the possibility of exercising their worship, and who see themselves forbidden all exercise of Christian worship in countries where those believers are in the majority and have made their own religion the only one admitted and promoted*¹⁹.

This pleading of the Church in favour of a fair and sound reciprocity in the area of religious freedom²⁰ is sometimes misunderstood, and wrongly so, because such a plea is directed towards the defence of this right *at the universal level*. It neither constitutes nor in any way legitimises any call for retaliation²¹, which from the standpoint of international law²² would be illegal and, from a Christian standpoint,

¹⁹ John Paul II, Apostolic Exhortation “*Ecclesia in Europa*”, 28 June 2003, §57. It is worth clarifying here that, faced with the dramatic situation of religious freedom for the religious minorities in certain parts of the world, it is often assumed that religious minorities do not encounter the same problems in Europe. However, discriminatory situations most certainly do exist and should be fought, even if they are not on the same scale as those experienced by the religious minorities in some non-EU countries to the point of being persecuted. This type of situation may be faced by those practising non-Christian religions and who live in European countries where Christians are in the majority, but there can also be cases of discrimination against people of minority Christian faiths where another Christian confession dominates at State level. This is particularly true for the Catholic Church in Greece and in Romania, both of which countries are principally Orthodox.

²⁰ By “fair and sound reciprocity in the area of religious freedom”, the Church means that the relevant rights must be exercised within due limits in relation to the common good of the country, which is to say while respecting the historic traditions of the country concerned and also *rightful* moral order. *Rightful* according to the *equity*, that is to say according to the principles of *distributive justice* and of *commutative justice*. It means for example that with regard to the number of faithful of different religions within one State, a differentiated treatment by the State of their various cults does not necessarily constitute discrimination, so in terms of public funding. In legal terms, different degrees of reciprocity may thus be discerned: the basic rights that are non-negotiable, those that are compulsory as imposed by international law and followed from the principle of *commutative justice* (“*rights to have*”), and non-obligatory rights, which are brought to the attention of public authorities to the advantage of religious minorities, followed from the principle of distributive justice, i.e. proportional to their merits-contributions based on their demonstrated needs (“*right to do*”).

²¹ While the violation of a human right can be made the subject of an appeal before an international court of justice that is likely to deliver a judgement, any retaliation devised as a right to direct condemnation is completely illegal.

²² Human rights can never be subjected to bargaining. They are imperatively excluded from the contractual provisions pertaining to reciprocity in international law. Cf. Article 60 §5 of the Vienna Convention on the Law of Treaties, which excludes any form of reprisals against persons protected by treaties in the case of partial or total suspension.

inconceivable and indeed morally suspect²³:

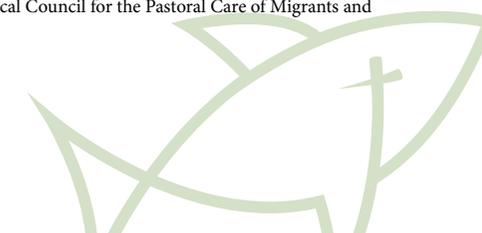
*Reciprocity is also an attitude of heart and spirit that enables us to live together everywhere with equal rights and duties. Healthy reciprocity will urge each one to become an “advocate” for the rights of minorities when his or her own religious community is in the majority. In this respect we should also recall the numerous Christian migrants in lands where the majority of the population is not Christian and where the right to religious freedom is severely restricted or repressed.*²⁴

In line with this, the Church’s request for a fair and sound reciprocity does not *in any way whatsoever* constitute a precondition for the granting of rights, *but rather a vibrant desire* coming from her deepest and most profound feelings of the “attitude of heart and spirit” referred to above. While the reciprocity inherent in the Christian vision in no way legitimises retaliation, this does not necessarily mean that we should give up our moral and political responsibilities and give in to the temptation to passivity²⁵. For this could lead to the negation of the “principle of responsibility” to protect the poor and the lowly, who, when subjected to

²³ The position adopted by the German Episcopal Conference regarding the construction of mosques in Germany may be interpreted as following these guidelines: “*As a good protected by the Constitution, the right to religious freedom and the related right to construct mosques must be dissociated from the fact that Christians also enjoy individual or collective religious freedom in Muslim countries. It is precisely because we Christians reject and denounce restrictions on religious freedom in countries anchored in Islam that we are committed not only to the rights of Christians in those countries but also to those of Muslims in ours. The same principle must apply to both Christians and Muslims, namely that whoever claims religious freedom in other countries for the members of his or her community of faith that forms a minority in that country cannot deny like freedom to the religious minorities in his or her own country.*” (Deutsche Bischofskonferenz, “Moscheebau in Deutschland. Eine Orientierungshilfe der deutschen Bischöfe”, 26.09.2008 – www.dbk.de/aktuell/meldungen/01761/index.html.) While being well understood that the inauguration of a Muslim place of worship as a ‘mosque’, as understood in current European positive law does not endow such place of worship with a status different or superior to that of a ‘*musallá*’ or any other place differently named as a Muslim place of worship and reserved exclusively for the purposes of worship (with no political significance or implications). For the distinction between ‘mosque’ and ‘*musallá*’ in Islamic law, see Samir Khalil Samir, “Note sulla Moschea”, *La Civiltà Cattolica*, n. 3618, 2001/I, p. 599-603. See also the report of the Seminar “Islam, Christianity and Europe” organised on 29 May 2008 at the European Parliament by COMECE, the CEC-KEK “Church & Society” Commission and the European Office of the Konrad-Adenauer-Stiftung (KAS), devoted to “Visibility of religion in the European public space: the question of worship places and religious symbols in clothing” – www.comece.eu/site/article_list.siteswift?so=all&do=all&c=download&d=article%3A3250%3A2.

²⁴ Instruction “*Erga migrantes caritas Christi*”, Pontifical Council for the Pastoral Care of Migrants and Itinerant People, 3 May 2004, § 64.

²⁵ Cf. E. Divry, *op.cit.*, p. 72.



discriminatory actions, are in need of defence²⁶.

3. VIOLATIONS OF THE RIGHT TO RELIGIOUS FREEDOM AND RELIGIOUS PERSECUTION IN THE WORLD

Generally speaking, three illustrative situations may be identified where violations of religious freedom and religious persecutions occur in our present world:

1. violations and persecutions which occur in the general context of a lack of democracy affecting a whole range of human rights
2. violations and persecutions that occur either because a secularist government is anti-religious, thus affecting religion generally and every individual faith, or because one majority religion markedly dominates all the rest
3. violations and persecutions may be induced by the State, political and public authorities (see map n°1) or individuals and groups within society (see map n°2). In this scenario, it should be recalled that the State is obliged to protect all its citizens, regardless of their religious beliefs. In the latter case, where the right to religious freedom is guaranteed by law but where violations nevertheless still happen, these defaulting authorities need to be reminded that they are obliged to work on the *effectiveness* of their laws.

It can occur, for example, that even though the State provides constitutional guarantees of freedom of religion and worship, a minority religious community is prevented *in practice* from building a place of worship due to objections from society, with all the resulting political and administrative obstacles that may be raised. It is at this point that the important concept of *effectiveness of law* is brought into play: a law must not remain theoretical, it must be possible for it to be applied in practice.²⁷ So for example, even though the Ethiopian legal order recognises the right to religious freedom, this is hampered where the building of places of worship is concerned. The national Orthodox Church in that country has no difficulty in obtaining land for building places of worship – but this is not the case for Protestant Churches or Muslims. This aspect of the problem should also be taken into account in the fight for religious freedom.

²⁶ Idem. Cf. Benedict XVI, Address to the Members of the General Assembly of the United Nations Organisation, 18 April 2008 - www.vatican.va/holy_father/benedict_xvi/speeches/2008/april/documents/hf_ben-xvi_spe_20080418_un-visit_en.html

²⁷ Cf. V. Legrand, "Religious freedom in the OSCE area : From commitments to implementation", *Europe-Infos*, n°119, September 2009, pp. 6-7.



On a geographical scale²⁸, as has been mentioned above, there is evidence of situations where religious freedom is being violated, extending as far as religious persecutions - in particular in the Middle East and in Asia (as witnessed in the Indian state of Orissa, China, Myanmar, Vietnam and North Korea). Christian minorities are not alone in suffering from these situations as witnessed by, *inter alia*, Jewish, Muslim and Baha'i minorities. Moreover, because of the heritage of atheistic communism in a number of Muslim-majority countries, notably in Central Asia, religious freedom of Muslims themselves may be violated in the context of a general regime of oppression of all religions. It should also be noted that in some predominantly Muslim countries, Muslim minorities (e.g. Sunnis/Shiites) may themselves be subject to violations of their religious freedoms. While the Church "naturally" focuses herself on oppressed Christian minorities, she is of course also calling for a policy that promotes religious freedom in general, including a protection of the rights of all oppressed religious minorities.

What are the persecutions and violations of the right to religious freedom to which religious minorities are most subject throughout the world?²⁹

²⁸ Sources for the countries mentioned in the examples raised in Section 3:

- AID TO THE CHURCH IN NEED (ACN) – JOHN PONTIFEX & JOHN NEWTON, *Persecuted and Forgotten? A Report on Christians oppressed for their Faith 2007/2008*, Sutton, Ed. ACN, 2008;
- AIDE À L'ÉGLISE EN DÉTRESSE (AED), *Rapport 2008 – La liberté religieuse dans le monde*, Paris, Ed. AED, 2008;
- MARSHALL P. A. (ed.), *Religious Freedom in the World*, Lanham, Md / Washington DC, Rowman and Littlefield / Center for Religious Freedom at the Hudson Institute, 2008;
- The 2008 and 2009 editions of the US State Department Report on Religious Freedom - <http://www.state.gov/g/drl/rls/irf>.
- See also the other sources mentioned in the bibliographical references

²⁹ The countries mentioned in this section are for purposes of illustration, the list not being exhaustive. They figure amongst the worst categories of the nomenclature/categorisation drawn up by Paul A. Marshall in his book *Religious Freedom in the World* (Lanham, Md/Washington DC. Towman and Littlefield/Center for Religious Freedom at the Hudson Institute, 2008, pp 2-3). This author has created a classification of 101 countries representing over 95% of world population. Drawing inspiration from the *Freedom House* methodology, it classifies countries on the basis of a score from 1 to 3 for the countries that are "Free regarding religious freedom", from 4 to 5 for countries that are "Partly Free regarding religious freedom" and from 6 to 7 for countries that are "Not Free regarding religious freedom". The countries mentioned in the present report form part of those with the worst scores of 4, 5, 6 and 7. The other countries or territories listed by Paul Marshall obtaining the same scores, but not figuring in the body of the present document, are: Scoring 7: Turkmenistan, China-occupied Tibet and Eritrea. Scoring 6: Bahrain, Palestinian Territories under Israeli occupation, Bangladesh. Scoring 5: Kazakhstan, Azerbaijan, Tajikistan, Kuwait, Libya, Tunisia, Indonesia, Nepal, Sri Lanka, Chad, Nigeria, Zimbabwe, and Columbia. Scoring 4: Mexico, Cameroon, Tanzania, Jordan, Armenia, Georgia, Kosovo, Kirghizstan, Former Yugoslavian Republic of Macedonia, Russia, Serbia and Slovakia.

Map n°1³⁰

Government Restrictions on Religion



Pew Forum on Religion & Public Life • Global Restrictions on Religion, December 2009

Map n°2³¹

Social Hostilities Involving Religion



Pew Forum on Religion & Public Life • Global Restrictions on Religion, December 2009

³⁰ Source: *Global Restrictions on Religion*, Pew Research Center's Forum on Religion & Public Life, © 2009. Map reprinted with kind permission of: Pew Research Center - <http://pewforum.org>. For the full report from which the map is reprinted (p. 15), visit: <http://pewforum.org/uploadedFiles/Topics/Issues/Government/restrictions-fullreport.pdf>.

³¹ Source: *Ibidem*, p. 25.



3.1. BASIC HINDRANCES TO RELIGIOUS FREEDOM

Fundamental hindrances to the exercise of religion can take place both at an individual and at collective level.

3.1.1. Obstacles to the profession of faith at an individual level

In some countries believers are arrested and imprisoned because of their faith, for having manifested it in public or even (as in North Korea) in private. In Uzbekistan, Christian groups are subjected to police raids, believers found holding meetings in private homes are often penalised, including being sent to prison. In Saudi Arabia, the official government policy is to recognise the right of non-Muslims to worship in private, but this right is regularly swept aside by a religious police known on occasion to assault believers gathering in a private location. It regularly happens that priests, ministers and clerics of other religions are assassinated because of their faith or their manner of sharing it (e.g. Afghanistan, Turkey).

3.1.2. Obstacles to the profession of faith at the collective level

At the collective level, some countries make the exercise of religious freedom subject to official registration (as in Belarus, Cuba and Moldova). In the worst cases this exercise is completely impeded and criminally prosecuted. It should be recalled here that the exercise of freedom in religious worship should never require the official approbation of public authorities.

In another way, the religious freedom of religious communities may be impeded in the area of law related to foundations and associations. While Turkey still has to make progress in the field of religious freedom in several areas (cf. *infra* and *supra*), one should welcome in this regard *“the fact that in recent years there have been many important reforms of the Turkish legislation which have improved the situation for the non-Muslim religious communities, in particular as regards property rights under the foundation system and the possibility to establish associations to support the religious community”*³². Additional progress will be achieved when non-Muslim religious communities will be allowed to acquire full moral personality, while recalling that exercising the right of religious freedom should not be conditional on official registration: access to moral personality is welcome insofar as it facilitates the exercise of rights.

³² Opinion (no. 535/2009) on the legal status of religious communities in Turkey and the right of the Orthodox Patriarchate of Istanbul to use the adjective “ecumenical”, adopted by the Venice Commission at its 82nd Plenary Session (Venice, 12-13 March 2010), § 107, p. 28 - [www.venice.coe.int/docs/2010/CDL-AD\(2010\)005-E.asp?MenuL=E](http://www.venice.coe.int/docs/2010/CDL-AD(2010)005-E.asp?MenuL=E).

3.1.3. Freedom of conversion and forced conversions

In some predominantly Muslim countries, conversion to a religion other than Islam is prohibited and repressed. Conversion effectively implies “apostasy” which – theoretically – may incur capital punishment, though this is rarely if ever applied (as in Afghanistan, Sudan, Yemen), notably as a result of international pressure. It is worth emphasising here that the European Union can and does play a role in this matter. And if there is one area where the EU can truly speak with one voice in its common foreign and security policy (CFSP) it is certainly in the case where serious violations of human rights are sanctioned unanimously.

“Apostasy” may also incur other sanctions, such as fines, expulsion or imprisonment. “Apostates” may also forfeit their parental authority, as in Malaysia and the Sultanate of Oman. If a Muslim parent converts to a religion other than Islam, their children are entrusted to other parents, as children are automatically considered as Muslims as they are born of a Muslim father.

Police forces in some States use torture to force members of minority religious communities to abandon their faith. In Saudi Arabia, the zeal of the religious police often leads to summary arrests and torture in prison. The police frequently imprison members of minority religious groups - such as Christians and Shiite Muslims - and only release them upon their signing a document attesting to the renunciation of their faith.

Furthermore, in many predominantly Muslim countries, in keeping with Islamic law, Muslim women are not allowed to marry non-Muslims and a husband-to-be is constrained to convert to Islam before marriage to a Muslim woman.

Obstacles to religious freedom may also be expressed, as in Iran and Saudi Arabia, by the compulsory wearing by women of the veil - not only by Muslim women but also by non-Muslim female citizens and residents.

3.1.4. Obstacles to the proclamation of faith

Some countries prohibit and repress the propagation of any religion other than the religion of the majority. Consequently, the Christian Mission of preaching the Gospel encounters a range of obstacles. While some forms of proclamation



may overstep the mark³³ through lack of prudence, their repression can take a reprehensible form, with sanctions extending to terms of imprisonment and fines, as is the case in Morocco, Algeria and the Comoros. In Turkey, there is no particular law repressing the Christian evangelical mission as such but Article 301 of the Penal Code, which sanctions “insults to Turkishness”, has been used as a pretext for such oppression³⁴. In more general terms, the Turkish authorities sometimes contribute to the maintenance of an atmosphere that is unfriendly towards any religion except Islam (not to mention this State’s similar attitude towards religion in general - and thus, towards its majority religion – Sunni Islam – because of the State’s secularist identity). In a primary school history textbook officially approved by the Turkish Ministry of National Education in 2008 (and amended in 2009), at the very time when Turkey is negotiating to join the European Union and is called on to conform to the Copenhagen Criteria³⁵, it is stated³⁶:

Missionary activity is not ordinary propagation of religion. Missionary activities cannot be classified under freedom of thought and the freedom to express opinion. It is a systematic and organised movement to force people to change their religion. Missionaries have political, cultural and economic aims in addition to religious aims. They try to fulfil their goals through the significant financial support of foreign powers, some non-governmental organisations and from their own supporters. Missionaries exploit the financial hardships of people. They translate texts related to their own beliefs into different languages and distribute them free of charge and accordingly use written and visual media for their propaganda purposes. They are a threat to the national unity and integrity of our state and nation.

Certainly, external threats to which the country had been exposed in the past

³³ The distinction between ‘proper proselytising’ and ‘improper proselytising’ as decided by European jurisprudence presents a good benchmark. At the level of the European Court for Human Rights, the *Kokkinakis vs Greece* judgment (25 May 1993) recognises that religious freedom implies “the right to try to convince one’s neighbour for example through ‘teaching’” (§31), otherwise freedom to change one’s religion or belief would be likely to remain ‘a dead letter’. The *Larissis et al. vs Greece* (24 February 1998) formalises the distinction between ‘proper’ and ‘improper proselytising’ (§ 54, 59).

³⁴ Aid to the Church in Need (ACN) – John Pontifex & John Newton, *Persecuted and Forgotten? A Report on Christians oppressed for their Faith 2007/2008*, Sutton, Ed. ACN, 2008, p. 96.

³⁵ These criteria, adopted by the European Council meeting in Copenhagen in June 1993, especially require the candidate EU countries to have achieved stability of institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities – European Council of Copenhagen, Presidency conclusions, 21-22 June 1993 – www.consilium.europa.eu/eu/Docs/cms_Data/docs/pressData/en/ec/72922.pdf.

³⁶ Text of the version of the textbook amended in March 2009: *İlköğretim Cumhuriyet İnkılap Tarihi ve Atatürkçülük – 8. Ders Kitabı (“Primary Education, History of Republic Reforms and Atatürkism” - Lesson Book 8)*, Devlet Kitapları Yayınları - Devlet (State) Books, 2008, p. 204.

remain vividly implanted in the memory of the history of the Turkish people, particularly with the dismantling of the Ottoman Empire by the European colonial powers³⁷. But employing this aspect of history as a tool for the present poses a grave problem. It is evident that the contemporary Christian evangelical mission is utterly devoid of, and detached from, any “colonial” political ambition. Maintaining such an unfriendly atmosphere is the source of individual acts of physical violence, going as far as the assassination of both lay faithful and churchmen suspected or convicted of “proselytising”.³⁸ As we have already seen, even if these States are not always directly responsible for these acts of violence, they still have the duty to protect all their citizens, regardless of their religious persuasion.

3.2. TYPICAL HALLMARKS OF THE VIOLATION OF THE RIGHT TO RELIGIOUS FREEDOM

Recurrent material violations of the right to religious freedom affect the building of places of worship, the publication of religious material as well as religious training and education.

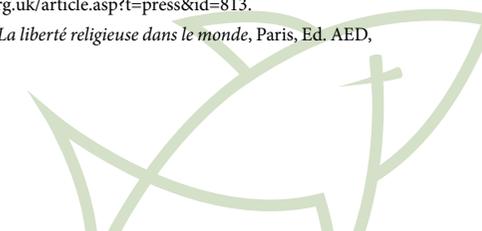
3.2.1. Prohibition, confiscation and destruction of places of worship

Some States purely and simply ban the construction in public areas of places of worship for minority religions, as in Saudi Arabia.

Where the construction of places of worship is permitted, these places may be either demolished or left to deteriorate due to a ban on repair work, as is the case in Myanmar, or where repairs are hindered, as in Egypt, and there may also be obstacles preventing the construction of new places of worship. It can also happen that access to existing places of worship might be impeded or forbidden, as in the case of several churches and monasteries in the northern part of Cyprus occupied by Turkey.

³⁷ In its initial version (2008), the textbook says: “Due to its position our country has been subject to various threats throughout history. Powers whose aim has long been to eradicate Turkish existence in Anatolia have pursued destructive acts against Turkey. These actions aim to break up, divide and rule the country.” And the textbook goes on to say: “One of these negative actions is the one of missionary activities carried out by religious organizations. Missionary activities engage not only clergy (men of religion) but non-clergy too. These people tend to use social service organizations and through those who work in such organizations. Missionaries infiltrate the public and use such universal concepts such as love, peace, brotherhood, freedom, happiness etc., to influence especially the youth.” Source: Christian Solidarity Worldwide (CSW), “*Turkey: New school text book encourages religious discrimination*”, 12 December 2008 - <http://dynamic.csw.org.uk/article.asp?t=press&id=813>.

³⁸ Aide à l’Église en Détresse (AED), *Rapport 2008 – La liberté religieuse dans le monde*, Paris, Ed. AED, 2008, pp. 491-494.



3.2.2. Prohibition, confiscation and destruction of religious publications

Some countries ban, or heavily restrict, the possession, printing, importation, distribution and/or sale of religious publications of minority religions (as in China, Laos, Mauritania and the Maldives).

In Saudi Arabia the official government policy authorises the keeping of single copies of the Bible strictly for personal use, but there are cases of the religious police arresting Christian faithful on the pretext of their possessing non-Muslim religious literature.

3.2.3. Prohibition of religious training and education

In some countries, the religious training of clergy is prohibited. In Turkey, the State controls religious training. This affects Sunni Islam, the majority religion, but also the other denominations (such as non-Sunni Muslims, Christians and others). The most notorious case is that of the Greek Orthodox Theological Seminary in Halki, which remains closed despite recent promises made by the Turkish authorities. Access to religious education in accordance with an individual's own faith may also be restricted. Thus, in some predominantly Muslim countries where there are Christian schools, classes in the Christian religion are banned, while classes teaching the Islamic religion are obligatory (e.g. Kuwait).

3.3 RELIGIOUS PERSECUTION AND DISCRIMINATION

Persecution on the grounds of religious affiliation or manifestation of faith occur in several places in the world, as in the Indian state of Orissa (where Hindu extremists have attacked the Christian minority, including an August 2008 attack where several dozen people were killed). In Laos and Myanmar both governments deal ruthlessly with Christian ethnic minorities. In China many Christians are rotting in prisons or labour camps and are tortured and even executed for their faith. In Pakistan (cf. the anti-Christian riots of Summer 2009 in the villages of Gojra and Korian) or in Iran (where among the different religious minorities the Baha'i communities are persecuted with great zeal and violence). Apart from these brutal physical attacks, there are many other forms of persecution. Among these we mention accusations (or false accusations) of blasphemy (as in Pakistan) or of adultery, gambling, drinking alcohol or theft. In instrumentalising laws penalising these offences, groups and governments attack religious minorities by imposing sentences as severe as the death penalty.

This situation explains why, over the past few decades, we have witnessed a constant flow of emigration of religious minorities, including Christian minorities, inter alia, from predominantly Muslim countries and others towards Europe, North America and Australia. Many factors provoke this decision to emigrate. Being subject to discrimination in employment in the public service, many minorities commit themselves to the private sector. But the recent worsening economic conditions have had an immediate and dramatic impact on the socio-economic conditions of these people, especially in situations where social security coverage is non-existent.

In some cases, the decision to emigrate may be explained by persecution deriving from the social-political-religious climate prevailing in the country. For example in Iraq, in 2008 Christians represented only 550,000 to 800,000 of a population of 28 million, compared with between 800,000 and 1,200,000 in 2003³⁹ and 1,400,000 in 1987⁴⁰. Yet not all Iraqi refugees are Christian. Having said that, the proportion of Christians amongst all refugees from this country is 40% - while Christians form only 4% of Iraq's total population⁴¹.

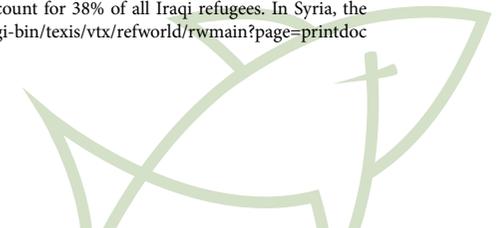
Situations of armed conflict amplify problems and acutely impact minorities through terrorist attacks, kidnapping, ransoms, assault, torture, assassination, intimidation, humiliation, forced marriages and conversion, or orders to leave the country and paying to do so, destruction of houses and churches. The list is long. These acts of violence too often add to disastrous humanitarian situations, not only in Iraq but also in Pakistan and the Holy Land.

But, quite apart from these chaotic situations, the migration of Christians from other Middle Eastern countries such as Egypt, Syria and Lebanon, has been going on for decades. Christian populations living in the historic cradle of the birth of Christianity are rapidly diminishing in numbers, to the point where they are sometimes threatened with complete disappearance from the region, as may indeed occur in the case of the Assyrian Chaldeans in Turkey.

³⁹ U.S. State Department Report on Religious Freedom 2008 - <http://2001-2009.state.gov/g/drl/rls/irf/2008/108483.htm>.

⁴⁰ According to the 1987 Iraqi census. Source: UNHCR - www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=49913b4bc.

⁴¹ Communication of Paul Lansu (Pax Christi International), "Christian Communities in Iraq", European Parliament, Brussels, 8 October 2008 - <http://storage.paxchristi.net/PUBLIC/2008-0755-en-me-RV.pdf>. In Jordan, Christian Iraqi refugees account for 38% of all Iraqi refugees. In Syria, the figure is 34%. Source: UNHCR - www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=49913b4bc.



The improvement of religious freedom in the region should, with other factors (particularly economic), contribute to a stemming of the demographic haemorrhage affecting religious (including Christian) minorities⁴².

Along the same lines, while the decision adopted by the EU 'Justice and Home Affairs' Council in November 2008 declaring solidarity with the reception of an additional 10,000 Iraqi refugees on EU territory has been most welcome⁴³, all efforts must be made with a view to preserving the existence of the most vulnerable religious communities of this part of the world – including Christian minorities – on their ancestral land.

Confronted with such a grim tableau of violations of the fundamental right to religious freedom – the cornerstone of all human rights – it is important to give the fullest attention to such a right. In recent times the institutions of the EU have been more and more aware of this issue.

⁴² It should also be noted that migratory flows of non-Muslim peoples are equally taking place towards the Middle East: that is true in Saudi Arabia, where hundreds of thousands of Christian immigrant workers coming from countries such as the Philippines find themselves deprived of freedom of worship and pastoral care. For those people too it is imperative to improve their rights to religious freedom.

⁴³ Conclusions of the EU 'Justice and Home Affairs' Council on the reception of Iraqi refugees – 2908th session, 27-28 November 2008 - www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/jha/104584.pdf.

4. THE RISING AWARENESS WITHIN THE EU OF THE IMPORTANCE OF THE RIGHT TO RELIGIOUS FREEDOM

The European Parliament has become aware of the challenges posed in this area. In its Resolution adopted on 10 May 2007 on reforms in the Arab world, the Parliament expressed the following desire:

*that those Arab countries which have not yet done so will commit themselves more fully to religious freedom, or to the right of individuals and communities to freely profess their beliefs and practise their faith (...); on this point, considers that the testimony of millions of Muslims living in Europe should help the Arab countries to implement on the domestic scene the consistent principle of reciprocity which underlies international relations.*⁴⁴

Likewise, in its Resolution of 19 February 2009 on the Barcelona Process–Union for the Mediterranean, a framework in which the promotion of respect for human rights is one of the major goals, the European Parliament called upon:

*all the parties concerned to further and promote respect for freedom of religion and belief and for minority rights; hopes that a joint policy-making and institutional framework will be defined that facilitates greater mutual cooperation in the pinpointing of problems and in the search for common solutions.*⁴⁵

The Resolution adopted by the Council of the EU on 16 November 2009 constituted a major breakthrough in this regard. Here the Council acknowledged two major forms of violations and persecutions pertaining to religious freedom. The Council emphasised⁴⁶:

– on the one hand, that “States must ensure that their legislative systems provide

⁴⁴ European Parliament Resolution of 10 May 2007 on reforms in the Arab world: what strategy should the European Union adopt? (2006/2172(INI)), § 19 - www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0179+0+DOC+XML+V0//EN.

⁴⁵ European Parliament Resolution of 19 February 2009 on the Barcelona Process: Union for the Mediterranean (2008/2231(INI)), § 28 - www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2009-0077&language=EN&ring=A6-2008-0502.

⁴⁶ Conclusions of the Council of the European Union on Freedom of Religion or Belief, 2973rd Session of the Council – General Affairs, Brussels, 16 November 2009 - www.consilium.europa.eu/uedocs/cmsUpload/111190.pdf.



adequate and effective guarantees of freedom of thought, conscience, religion or belief to all without distinction”,

- on the other hand, that “States have a duty to protect everyone, including persons belonging to minorities, from discrimination, violence and other violations”.

Finally, in its Resolution of 21 January 2010, the European Parliament reacted to the attacks perpetrated on Christian communities in Egypt and Malaysia by⁴⁷:

- stressing that “the right to freedom of thought, conscience and religion is a fundamental human right guaranteed by international legal instruments”,
- strongly condemning “all kinds of violence, discrimination and intolerance, based on religion and belief, against religious people, apostates and non-believers”,
- inviting the Egyptian and Malaysian authorities to take the necessary measures to ensure that the authors of the attacks in question would be duly brought to justice and to take care to guarantee the right to religious freedom,
- calling on “the Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy, in the framework of EU relations and cooperation with the countries concerned, to pay particular attention to the situation of religious minorities, including Christian communities”.

All these Resolutions provide signs of hope for those whose hearts are set on the promotion of the right to religious liberty in the world.

Let us hope that the EU will continue to provide the necessary momentum in this basic struggle for human dignity by enacting the concrete policies, which we encouraged it to pursue in this area.

⁴⁷ European Parliament Resolution of 21 January 2010 on recent attacks on Christian communities - www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0005&language=EN&ring=P7-RC-2010-0035.

CONCLUSION

Considering:

- the duties and obligations of the European Union in protecting and promoting human rights, including religious freedom, as defined in its Charter of Fundamental Rights (Article 10.1) (2000)
- the violations of fundamental rights to religious freedom and the religious persecution and discrimination in many countries of the world
- the increasing awareness within the institutions of the European Union of the challenges posed in this area

the institutions of the European Union – including:

- the European Commission,
- the Council,
- the European Council,
- the European Parliament,

the High Representative of the Union for Foreign Affairs and Security Policy,

and the European External Action Service (EEAS)

are invited to give their consideration to the various recommendations set out in this Memorandum so as to contribute, within their respective responsibilities, to the furtherance of religious freedom under the human rights policy conducted by the European Union in its external relations.



RECOMMENDATIONS

The institutions of the EU must unreservedly pursue their policy of protecting and promoting basic freedoms in third-party countries where the religious freedom of religious minorities (including Christian minorities) is violated. It is to these institutions that the following recommendations are particularly addressed.

1. THAT **third-party countries which are in default with regard to their respect for religious freedom BE NOTIFIED** that **religious freedom** constitutes, amongst all human rights, an **essential and basic right** which must be respected⁴⁸, and that **conditionalities** related to respect for **human rights** which feature in the bilateral agreements with these countries be made **more effective**.
2. THAT **third-party countries that have not yet signed or ratified the agreements established in the spirit of the Universal Declaration of Human Rights (1948) BE ENCOURAGED to do so** (with particular reference to the 1966 International Covenant on Civil and Political Rights, Article 18 of which guarantees religious freedom)⁴⁹.
3. THAT, in cases where third-party countries have made commitments in the area of religious freedom but which are not yet effective, that they BE ENCOURAGED to implement them and thus guarantee the **effectiveness** of their laws.
4. In cases of discrimination and persecution in the area of religious freedom involving individuals and groups within society, independently of the political and public authorities, **THAT defaulting third-party countries BE NOTIFIED** of the fact that **the State is duty-bound to protect all citizens irrespective of their religious faith**. To this end, in countries where **blasphemy laws are instrumentalised** for the persecution of religious minorities THAT such countries BE ENCOURAGED **either to amend such laws or to abolish them**.

⁴⁸ A fortiori in the framework of agreements concluded by the EU including provisions on the respect for basic rights. This is the case, for instance, with Article 2 of the Euro-Mediterranean Association Agreements, which stipulates that respect for fundamental rights as set out in the Universal Declaration of Human Rights (1948) is part of them as an “essential element”.

⁴⁹ See list of countries in Appendix II.



5. THAT, in its **Annual EU Report on Human Rights**, a thorough examination of the situation of religious freedom throughout the world BE UNDERTAKEN and recommendations for improvement BE DRAWN UP.
6. THAT the **dialogue with religious authorities and bodies engaged in inter-religious dialogue in third-party countries** BE SUPPORTED with a view to ENCOURAGING respect for religious freedom and more open attitudes towards religious minorities.
7. In support of the above-mentioned objective, THAT **representatives of persecuted religious minorities in the world and Churches**, whose **first-hand knowledge** of this subject makes them ideal partners of the public authorities BE GIVEN VOICE and THAT **NGOs of the Member States and of third-party countries which are fighting for religious freedom throughout the world** BE SUPPORTED.
8. THAT, in its reports on the situation of human rights throughout the world, the **“Human Rights” Sub-Committee of the European Parliament’s Committee on Foreign Affairs** BE CALLED UPON to devote a specific section to the subject of religious freedom.
9. THAT the European Parliament’s **inter-parliamentary delegations** to third-party countries in default in the area of religious freedom BE CALLED UPON to devote part of their agenda of their working sessions to the **specific issue of religious freedom**.
10. THAT the **High Representative of the Union for Foreign Affairs and Security Policy** BE INVITED to integrate religious freedom fully into the EU Human Rights Policy. To this end THAT he/she BE REQUESTED to ensure that the **European External Action Service (EEAS)** be provided with a “religion unit” devoted to the cause of religious freedom, to the role of religious actors in the prevention and resolution of conflicts as well as in the post-conflict reconstruction phase (reconciliation process).
11. Finally, in the framework of the implementation of Article 17 of the Lisbon Treaty on the functioning of the EU, which guarantees a **dialogue** that is **open, transparent and regular** between the EU and the Churches, THAT provision be made for dealing with the issue of the **right to religious freedom** at the centre of all future agendas.

BIBLIOGRAPHICAL REFERENCES

International Documents

Universal Declaration of Human Rights (1948)

European Convention for Protection of Human Rights and Fundamental Freedoms (1950)

EU Charter of Fundamental Rights (2000)

Conclusions of the Council of the European Union on Freedom of Religion or Belief, 2973rd Session of the Council – General Affairs, Brussels, 16 November 2009 - www.consilium.europa.eu/uedocs/cmsUpload/111190.pdf

EU Annual Report on Human Rights (2008) – www.consilium.europa.eu/showPage.aspx?id=970&lang=EN

U.S. State Department Report on Religious Freedom (2008, 2009) – www.state.gov/g/drl/rls/irf

Church Documents

Dignitatis Humanae (1965)

Declaration on the Right of the Person and of Communities to Social and Civil Freedom in Religious Matters, Vatican Council II, 7 December 1965
www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html

Populorum Progressio (1967)

Encyclical Letter of His Holiness Pope Paul VI on the development of peoples, 26 March 1967
www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_26031967_populorum_en.html

Ecclesia in Europa (2003)

Post-Synodal Apostolic Exhortation of His Holiness Pope John Paul II to the bishops, men and women in the consecrated life and all the lay faithful on Jesus Christ, alive in His Church the Source of Hope for Europe, 28 June 2003
www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_20030628_ecclesia-in-europa_en.html



Erga migrantes caritas Christi (2004)

Instruction “Erga migrantes caritas Christi”, Pontifical Council for the Pastoral Care of Migrants and Itinerant People, 3 May 2004
www.vatican.va/roman_curia/pontifical_councils/migrants/documents/rc_pc_migrants_doc_20040514_erga-migrantes-caritas-christi_en.html

Caritas in Veritate (2009)

Encyclical Letter of His Holiness Benedict XVI to the bishops, priests and deacons, religious men and women, the lay faithful and all men of good will on integral human development in charity and truth, 29 June 2009
www.vatican.va/holy_father/benedict_xvi/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate_en.html

Human Rights in the Teaching of the Church: From John XXIII to John Paul II – Collection of Texts of the Magisterium of the Catholic Church from Mater et Magistra to Centesimus Annus (1961-1991) (ed.: Giorgio Filibeck), Pontifical Council for Justice and Peace / International Federation of Catholic Universities, Vatican City, Libreria Editrice Vaticana, 1994

Books and Articles

AID TO THE CHURCH IN NEED (ACN) – John Pontifex & John Newton, *Persecuted and Forgotten? A Report on Christians oppressed for their Faith 2007/2008*, Sutton, Ed. ACN, 2008

AIDE À L'ÉGLISE EN DÉTRESSE (AED), Rapport 2008 – *La liberté religieuse dans le monde*, Paris, Ed. AED, 2008

COMECE, COMMISSION “CHURCH & SOCIETY” (CEC-KEK) & EUROPEAN OFFICE OF THE KONRAD-ADENAUER-STIFTUNG (KAS), Report of the Seminar “Islam, Christianity and Europe” organised on 29 May 2008 at the European Parliament, on the theme: “Visibility of religion in the European public space: the question of worship places and religious symbols in clothing” - www.comece.eu/site/article_list.siteswift?so=all&do=all&c=download&d=article%3A3251%3A2

DIVRY E., *Aux fondements de la liberté religieuse - Église, judaïsme, islam*, Paris, Parole et Silence, 2007

DIVRY E., “Réciprocité religieuse : ni rétorsion, ni placidité – La position catholique”, *Liberté politique*, n°44, printemps 2009, pp. 63-75

LEGRAND V., “Religious freedom in the OSCE Area: From commitments to

implementation”, *Europe-Infos*, n°119, September 2009, pp. 6-7

MARSHALL P. A. (ed.), *Religious Freedom in the World*, Lanham, Md / Washington DC, Rowman and Littlefield / Center for Religious Freedom at the Hudson Institute, 2008

MARSHALL P. A. & L. Gilbert, *Their Blood Cries Out: The Untold Story of Persecution Against Christians in the Modern World*, Dallas, Word Publishing, 1997

SCHIRRMACHER T., “Defending religious freedom of Christians benefits all”, *International Journal for Religious Freedom*, 1 (2008) 1, pp. 13-25

WORLD EVANGELICAL ALLIANCE, “Geneva Report 2005 - A perspective on global religious freedom: challenges facing Christian Communities”, MBS Texte, 045 (2005), Martin Bucer Seminar / Pro Mundis / Evangelische Allianz / AKREF, p. 3 - www.bucer.org/uploads/media/mbstexte045.pdf

Complementary bibliographical references

CENTRE DE THÉOLOGIE POUR LE MOYEN-ORIENT, *La Liberté religieuse au Moyen-Orient (Actes du IVème Symposium interdisciplinaire, Institut Saint-Paul de Philosophie et de Théologie, Harissa, 20-22 Mai 1994)*, Editions Saint-Paul, Beyrouth-Jounieh-Zahlé, 1995

DELPARD R., *La persécution des Chrétiens aujourd'hui dans le monde*, Neuilly-sur-Seine, Michel Lafon, 2009

GRIMAUX T. *Le Livre noir des persécutions antichrétiennes*, Lausanne, Favre, 2007

GUITTON R., *Ces chrétiens qu'on assassine*, Paris, Flammarion, 2009

LINDHOLM T., Cole Durham Jr. W. & Tahzib-Lie B. G. (Eds.) *Facilitating Freedom of Religion or Belief: A Deskbook*, Leiden-Boston, Martinus Nijhoff, 2004

NABER J.M.M., *Freedom of Religion - A Precious Human Right - A Survey of Advantages and Drawbacks*, Assen, Van Gorcum, 2000

NATHAN K.S., *Religious Pluralism in Democratic Societies, Challenges and Prospects for Southeast Asia, Europe and the United States in the New Millennium*, Singapore, Konrad-Adenauer-Stiftung (KAS) / Malaysian Association for American Studies, 2007



NEUSNER, J. & Chilton B., *The Golden Rule - The Ethics of Reciprocity in World Religions*, London, Continuum, 2008

OEHRING O., *Human Rights in Turkey – Secularism = Religious Freedom?*, Aachen, Missio, 5/2000

PEW FORUM ON RELIGION & PUBLIC LIFE, *Global Restrictions on Religion*, Washington DC, Pew Research Center, December 2009, 69 p. - <http://pewforum.org/newassets/images/reports/restrictions/restrictionsfullreport.pdf>

APPENDIX I

Dimensions of the Right to Religious Freedom at Individual and Community Levels Excerpts from the Message delivered by Pope John Paul II to the signatory countries of the Helsinki Final Act on 14 November 1980⁵⁰

a) at the personal level, the following have to be taken into account:

- freedom to hold or not to hold a particular faith and to join the corresponding confessional community;
- freedom to perform acts of prayer and worship, individually and collectively, in private or in public, and to have churches or places of worship according to the needs of the believers;
- freedom for parents to educate their children in the religious convictions that inspire their own life, and to have them attend catechetical and religious instruction as provided by their faith community;
- freedom for families to choose the schools or other means which provide this sort of education for their children, without having to sustain directly or indirectly extra charges which would in fact deny them this freedom;
- freedom for individuals to receive religious assistance wherever they are, especially in public health institutions (clinics and hospitals), in military establishments, during compulsory public service, and in places of detention;
- freedom, at personal, civic or social levels, from any form of coercion to perform acts contrary to one's faith, or to receive an education or to join groups or associations with principles opposed to one's religious convictions;
- freedom not to be subjected, on religious grounds, to forms of restriction and discrimination, vis-à-vis one's fellow citizens, in all aspects of life (in all matters concerning one's career, including study, employment or profession; one's participation in civic and social responsibilities, etc.).

b) at the community level, account has to be taken of the fact that religious denominations, in bringing together believers of a given faith, exist and act as social bodies organized according to their own doctrinal principles and institutional purposes.

The Church as such, and confessional communities in general, need to enjoy specific liberties in order to conduct their life and to pursue their purposes; among such liberties the following are to be mentioned especially:

⁵⁰ www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/documents/hf_jp-ii_mes_19800901_helsinki-act_en.html.



- freedom to have their own internal hierarchy or equivalent ministers freely chosen by the communities according to their constitutional norms;
- freedom for religious authorities (notably, in the Catholic Church, for bishops and other ecclesiastical superiors) to exercise their ministry freely, ordain priests or ministers, appoint to ecclesiastical offices, communicate and have contacts with those belonging to their religious denomination;
- freedom to have their own institutions for religious training and theological studies, where candidates for priesthood and religious consecration can be freely admitted;
- freedom to receive and publish religious books related to faith and worship, and to have free use of them;
- freedom to proclaim and communicate the teaching of the faith, whether by the spoken or the written word, inside as well as outside places of worship, and to make known their moral teaching on human activities and on the organization of society: this being in accordance with the commitment, included in the Helsinki Final Act, to facilitate the spreading of information, of culture, of exchange of knowledge and experiences in the field of education; which corresponds, moreover, in the religious field to the Church's mission of evangelization;
- freedom to use the media of social communication (press, radio, television) for the same purpose;
- freedom to carry out educational, charitable and social activities so as to put into practice the religious precept of love for neighbour, particularly for those most in need.

Furthermore:

- With regard to religious communities which, like the Catholic Church, have a supreme authority responsible at world level (in line with the directives of their faith) for the unity of communion that binds together all pastors and believers in the same confession (a responsibility exercised through Magisterium and jurisdiction): freedom to maintain mutual relations of communication between that authority and the local pastors and religious communities; freedom to make known the documents and texts of the Magisterium (encyclicals, instructions, etc.);
- at the international level: freedom of free exchange in the field of communication, cooperation, religious solidarity, and more particularly the possibility of holding multi-national or international meetings;
- also at the international level, freedom for religious communities to exchange information and other contributions of a theological or religious nature.

APPENDIX II

Countries yet to sign or ratify the International Covenant on Civil and Political Rights⁵¹ New York, 16 December 1966

COUNTRY	PACT SIGNED BUT NOT RATIFIED	PACT NEITHER SIGNED NOR RATIFIED
Antigua and Barbuda		X
Saudi Arabia		X
Bhutan		X
Brunei Darussalam		X
China	X	
Comoros	X	
Cuba	X	
United Arab Emirates		X
Fiji		X
Guinea	X	
Marshall Islands		X
Salomon Islands		X
Kiribati		X
Laos	X	
Malaysia		X
Micronesia (Federal State of)		X
Myanmar		X
Nauru	X	
Oman		X
Pakistan	X	
Palaos		X
Qatar		X
St Lucia		X
St Kitts and Nevis		X

⁵¹ 6 November 2009.



COUNTRY	PACT SIGNED BUT NOT RATIFIED	PACT NEITHER SIGNED NOR RATIFIED
São Tomé and Príncipe	X	
Singapore		X
Tonga		X
Tuvalu		X

Source: United Nations Organization (UNO), Treaty Collection - http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en&clang=en - List of UN Member States: <http://www.un.org/en/members>.

APPENDIX III

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