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## RELIGIOUS FREEDOM AS A HUMAN RIGHT

### European Commission Investigation

By Father John Flynn, LC

ROME, JUNE 26, 2011 ([Zenit.org](http://www.zenit.org)).- Europe has seen a number of high profile disputes over religion and public policy in the last couple of years, from the burka ban in France to the European Court of Human Rights decision on crucifixes in Italian schools, to conflicts in Britain on a range of issues.

The European Commission is currently undertaking an investigation into religion and secularism, under the title of a research project known as Religare.

The official description of the investigation explains that it starts "from the presumption of the universality of the concept of equality and how it is being challenged by the increasing diversity of religious beliefs and other convictions that are transforming the intellectual, cultural and religious landscape of Europe."

It commenced in February 2010 and is scheduled to take three years to complete.

A non-government organization, the Observatory on Intolerance and Discrimination Against Christians in Europe has just made public its submission to the inquiry. They explained that, while the Religare project is meant to be based on independent investigation rather than submissions by groups, they became aware of a submission made by the European Humanist Foundation (EHF).

This submission contained a number of claims that constitute intolerance and discrimination against Christianity, so the Observatory has put together its own submission so as not to let these claims go unanswered.

Freedom of religion is something recognized in all major human rights documents, the Observatory's submission noted. It is, moreover, not only an individual right but also applies to the activities of religious communities.

"Religion, and most of all the Christian faith, is a valuable asset for society," the submission affirmed.

Religious people lead a healthier lifestyle, have a longer life expectancy, have more stable marriages, and are more generous in contributing to the common good, the submission stated.

As a consequence religion is something that should be encouraged, and not restricted.



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Too often the term fundamentalism is used to denigrate religion. This is an improper use of a term that has its origins in describing a specific set of theological beliefs -- the fundamentals. It is wrong to use this term in the context of a general attack on Christianity.

The Observatory criticized the EHF submission for containing numerous unsubstantiated negative stereotypes. These included portraying religion as the source of all social evils, and as totalitarian and divisive.

The Observatory further criticized the EHF position as revealing an underlying attitude of simply attacking other world views without making a positive contribution. Evidence of this mentality is the lack of any identifiable social contribution made by atheists. This contrasts with the large number of hospitals, nursing homes, schools, and universities run by religious communities.

#### Secularism

In the name of secularism the EHF requested a neutral public space where all can meet on equal terms. The way in which they defined this space, the Observatory argued, would mean that it is completely devoid of any religious content or symbols. Far from being neutral this would be a reflection of atheism and a rejection of religion.

Christianity does recognize the secular character of the state, the Observatory's submission explained. It is important, however, to correctly define this term. Secular refers to what is earthly or temporal. Thus the task of public authorities is to ensure the temporal well-being of citizens, while religion looks after their eternal salvation.

These tasks are distinct from one another, but this separation does not mean that the state should be irreligious or anti-religious, or that religious views should be excluded from public debates, the submission maintained.

The assumption that the state should be neutral with respect to religion is not only found in the EHF submission but also in the terms of reference for the Religare investigation, the Observatory noted.

This position does not reflect the reality in Europe. The Observatory listed a group of numerous states whose constitutions either make reference to God or give special status to religion. These countries include Germany, Switzerland, Greece, Italy, Denmark, Norway and Spain.

In addition, the Observatory asserted that freedom of religion is not just equal treatment of all religions. Religious liberty and freedom of conscience include tolerance and accommodation for religious beliefs unless they are at variance with fundamental requirements of justice.

#### Public space

The Observatory's submission then went on to examine a number of specific points raised by the EHF. In its submission the EHF argued that the presence of religious symbols in public spaces violates the principles of neutrality or secularism.

Such a position lacks foundation, as no such principles can be found in European Union or international law.

The EHF also wanted restrictions on the wearing of religious clothing. Giving in to this demand, the Observatory replied, would be an undue restriction of personal liberty. Everybody should be free to wear what they want, provided safety and decency are ensured.

When it comes to the education of children the state's role is to assist parents. So, the Observatory warned, it has no right to indoctrinate children with ideologies. If the parents want to educate their children in the Christian faith then the state should support them in this effort.

Turning to the workplace the Observatory said that existing European Union legislation recognizes the need for exemptions for organizations with a specific ethos. Similar respect ought to be granted to the religion or beliefs of individual employers.

As well, the request of the EHF for regulation of the right to conscientious objection amounts to a significant restriction of this right.

The EHF maintained that conscientious objection only applies to individuals and not to Christian hospitals or churches. This is contrary to established international law, the Observatory pointed out, which recognizes the collective nature of religious freedom.

The EHF submission also sought to change the concepts of marriage and family so as to remove the natural complementarity of the two sexes. It argued in favor of same-sex "marriage" and for

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allowing such couples to bring up children.

It is perfectly legitimate to define marriage as the life-long alliance of a man and a woman, the Observatory contested. This concept existed long before Christianity and is not the belief of one particular religion.

Moreover, diluting the concept of marriage and family and allowing any number of arbitrary choices will lead to the dissolution of the whole concept.

Another point raised by the EHF paper was the claim for official state recognition, similar to that given to churches, for atheist and humanist organizations.

Such a step would give undue influence to marginal groups, said the Observatory. As well, the 20th century experience of atheistic totalitarian regimes provides ample evidence for the antagonism between atheism and human rights.

#### Dignity

"The right to religious freedom is rooted in the very dignity of the human person," Benedict XVI affirmed in his [message](#) for the World Day of Peace, Jan. 1. (No. 2)

It needs to be understood not only as immunity from coercion, but more fundamentally as an ability to order our choices in accordance with truth, the Pontiff stated.

Religious freedom is also the fruit of a sound political and juridical culture, Pope Benedict said. It is an essential good, which allows a person to profess and manifest beliefs, individually or in community, in both public and private. It remains to be seen if the investigation by the European Commission will recognize the full extent of religious freedom.



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