New EU guidelines on religion and belief make plain that no religion is entitled to special rights

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The EU Foreign Affairs Council this week adopted a report with 71 Guidelines to promote the right to freedom of religion and belief worldwide.

Below are some choice quotes from it that should give pause to those Christians who imagine that they have special rights and privileges because of their "traditional role" in the nation:

- "All persons have the right to manifest their religion or belief either individually or in community with others and in public or private in worship, observance, practice and teaching, without fear of intimidation, discrimination, violence or attack. Persons who change or leave their religion or belief, as well as persons holding non-theistic or atheistic beliefs should be equally protected, as well as people who do not profess any religion or belief."

- "The right to freedom of religion or belief, as enshrined in relevant international standards, does not include the right to have a religion or a belief that is free from criticism or ridicule."

- "There are no rights exclusive to holders of any particular religion or belief: all rights whether in regard to the freedom to believe or to manifest one's religion or belief, are universal and are to be respected on a non-discriminatory basis."

- "The EU does not consider the merits of the different religions or beliefs, or the lack thereof, but ensures that the right to believe or not to believe is upheld. The EU is impartial and is not aligned with any specific religion or belief."

- "Coercion to change, recant or reveal one's religion or belief is equally prohibited. Holding or not holding a religion or belief is an absolute right and may not be limited under any circumstances".

- "Freedom of religion or belief protects every human being's right to believe or to hold an atheistic or non-theistic belief, and to change religion or belief. It does not protect a religion or belief as such. Freedom of religion or belief applies to individuals, as right-holders, who may exercise this right either individually or in community with others and in public or private. Its exercise may thus also have a collective aspect. This includes rights for communities to perform "acts integral to the conduct by religious groups of their basic affairs". These rights include, but are not limited to, legal personality and non-interference in internal affairs, including the right to establish and maintain freely accessible places of worship or assembly, the freedom to select and train leaders or the right to carry out social, cultural, educational and charitable activities."
- "Certain practices associated with the manifestation of a religion or belief, or perceived as such, may constitute violations of international human rights standards. The right to freedom of religion or belief is sometimes invoked to justify such violations. The EU firmly opposes

such justification, whilst remaining fully committed to the robust protection and promotion of freedom of religion or belief in all parts of the world. Violations often affect women, members of religious minorities, as well as persons on the basis of their sexual orientation or gender identity. In dealing with possible violations, use will be made of existing EU human rights guidelines, notably the guidelines on the promotion and protection of rights of the child, on violence against woman and girls and combating all forms of discrimination against them, on human rights defenders, on torture and on the death penalty, as well as the forthcoming EU guidelines on the enjoyment of all human rights by LGBTI persons, and on freedom of expression on line and off line."

- "When critical comments are expressed about religions or beliefs and such expression is perceived by adherents as being so offensive that it may result in violence towards or by adherents, then:
- If there is a prima facie case that this expression constitutes hate speech, i.e. falls within the strict scope of article 20 paragraph 2 of the ICCPR (which prohibits any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence), the EU will denounce it, and demand that it be investigated and tried by an independent judge".
- "If this expression does not rise to the level of incitement prohibited under article 20 of the ICCPR, and is thus an exercise of free speech, the EU will:

    1. Resist any calls or attempts for the criminalisation of such speech;
    2. Individually or jointly with States or regional organisations, endeavour to issue statements calling for no violence to be committed and condemning any violence committed in reaction to such speech;
    3. Encourage state and other influential actors, whether religious or non-religious, to speak out and to engage in constructive public debate concerning what they see as offensive speech, condemning any form of violence;
    4. Recall that the most effective way to combat a perceived offense from the exercise of freedom of expression is the use of freedom of expression itself. Freedom of expression applies online as well as offline. New forms of media as well as information and communications technology provide those who feel offended by criticism or rejection of their religion or belief with the tools to instantly exercise their right of reply.

- "In any case, the EU will recall, when appropriate, that the right to freedom of religion or belief, as enshrined in relevant international standards, does not include the right to have a religion or a belief that is free from criticism or ridicule".
- "International human rights law protects individuals, not Religion or Belief *per se*. Protecting a religion or belief may not be used to justify or condone a restriction or violation of a human right exercised by individuals alone or in community with others."

- "States have a duty to protect all persons within their jurisdiction from direct and indirect discrimination on grounds of religion or belief, whatever the reasons advanced for such discrimination. This includes the duty to rescind discriminatory legislation, implement legislation that protects freedom of religion or belief, and halt official practices that cause discrimination, as well as to protect people from discrimination by state and other influential actors, whether religious or non-religious."

- "Individuals, have the right to decide for themselves whether and how they wish to manifest their religion or belief. Limitations to this freedom have to be strictly interpreted. Manifestation of one's religion or belief can take many forms. This includes the right of children to learn about the faith/belief of their parents, and the right of parents to teach their children in the tenets of their religion or belief. It also includes the right to peacefully share one's religion or

belief with others, without being subject to the approval of the state or another religious community. Any limitation on freedom of religion or belief, including regarding places of worship and state registration of religious or belief groups, must be exceptional and in compliance with international standards."

- "Frequent restrictions by States include the denial of legal personality to religious and belief communities, the denial of access to places of worship/meeting and burial, the punishment of unregistered religious activity with exorbitant fines or prison terms, or the requirement for children from religious and belief minorities to receive confessional education in the beliefs of the majority. Several states do not recognize the right to conscientious objection to military service as part of the legitimate exercise of the freedom of religion or belief, deriving from article 18 of the ICCPR25."

Terry Sanderson

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