

Council of Europe
Consultation for the White Paper
on Intercultural Dialogue

Supporting Information & Commentary by
International Humanist and Ethical Union and UK
National Secular Society

Concerns about undue religious influence and
religious activities compromising human rights.

31 July 2007

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SECTION 1: THE PURPOSE AND BACKGROUND TO THIS PAPER

1.0 The International Humanist and Ethical Union (IHEU) was pleased to participate in and present a summary of its views at the Council of Europe's San Marino conference "The religious dimension of intercultural dialogue" on 23 and 24 April 2007. Subsequently the IHEU in conjunction with the UK National Secular Society has provided a response to the Council of Europe (the Council) questionnaire seeking views in relation to the Council's "White Paper on Intercultural Dialogue". This paper provides further information and commentary.

SECTION 2: CONCLUSIONS AND RECOMMENDATIONS

2.1 In a free society, individuals are equally entitled to freedom of religion and freedom *from* religion. This is a fundamental and correct feature of modern Europe. However, religious organisations are increasingly being accorded special rights, influence and privilege within EU institutions. This special status is inconsistent with the tenets of the Council of Europe, is unwarranted, and prejudicial to the rights of the individual. Furthermore, while religious organisations are over-represented, they are unrepresentative of the views of many ordinary citizens, whether professing any religious belief or not.

2.2 We contend that one of the major issues facing Europe is the growing fragmentation and disintegration of the social cohesion that has been so painfully and painstakingly constructed over the past half-century. We consider that a major contributory cause is the growing political strength of religious organisations which, despite falling adherence amongst the general population and the largely secular form of the member states, are increasingly dictating the political and social agenda in order to protect their vested interests and to impose their doctrine.

2.3 We have observed that in Europe the different religions - with their mutually and irreconcilably incompatible beliefs – have temporarily buried their differences in order to pursue their aim of undermining the secular basis of European democratic government ultimately with the objective of maximising religious influence over all citizens, whatever their religion or lack of it. We show how this process is already well advanced in two international organisations: the EU (examples given in Appendix A) and to an even greater degree in the UN (examples given in Appendix B).

2.4 We have noticed recurrent characteristics in the strategies employed by religious bodies or leaders in promoting their interests or ideologies:

- (i) Repeatedly referring to their religions' commitment to Human Rights, but omitting to acknowledge that in practically all cases (as for example in the case of the Abrahamic religions) their religions have abused Human Rights in the past and many continue to do so - particularly in respect of women, on sexual matters and on freedom of expression.

- (ii) Exaggerating, either explicitly or implicitly, the constituency for whom they claim to speak. In reality the number of those practising religion in Europe is a dwindling minority, albeit the number of practising Muslims is increasing through immigration and demographic factors. And even of those who are practising, many do not subscribe to the doctrines of their proclaimed faith – for example, many Catholics do not follow the Vatican line on contraception although the Church hierarchy, who claim to represent Catholics, *always* oppose contraception. Most of their representatives are elderly middle class males (in many cases celibate). We question how effectively or legitimately can they speak for women, the young, or those of minority sexualities. Furthermore, all citizens, whatever their religion (or lack of it), are already represented by their democratically elected representatives. These democratically elected representatives can be expected to bring their religious views to their deliberations, and indeed are sometimes put under considerable religious pressure to do so even when this would conflict with their constituents’ interests. Specifically religious representation therefore duplicates religious perspectives in an undemocratic way.
- (iii) Claiming transcendental moral authority, yet not necessarily dealing appropriately with moral abuses within their own ranks. Just three Roman Catholic archdioceses in the USA have been forced to settle child abuse claims for over one billion US dollars in cases that go back fifty years. The Church has been complicit in covering up such cases throughout the world¹
- (iv) Claiming privileges on the grounds that their “conscience” should be acceded to, even when in doing so it would compromise the Human Rights of others.
- (v) Claiming victimhood, as when the Vatican claims to be a victim of “Christophobia” and Islamic representatives overstate the incidence of ‘Islamophobia’. Yet the major churches have immense wealth, power and privileges – such as state subsidies for education and even the maintenance of buildings – and some even have cash subsidies funded through taxation. Other privileges follow from the ambivalent status of the Holy See as a sovereign state and headquarters of religious organisation - such as the ability to enter into self-serving concordats which are generally undemocratic and are questionable on Human Rights grounds.
- (vi) Falsely claiming racism in an attempt to stifle freedom of expression

2.5 We return to the question of religious manoeuvres and tactics in Section 4 below.

2.6 Our conclusions are framed as recommendations to the Council.

Recommendations

Core Values

1. We recommend that at every appropriate opportunity the Council should affirm its core values of secular democracy, the rule of civil law and Human Rights.

Constitutional matters

2. We recommend that the Council resist all or any religion being recognised in any treaty or other constitutional instrument, as was proposed by Chancellor Merkel and others in respect of the draft EU constitution.
3. We recommend that the Council use its good offices to resist the spread of religious privilege through Vatican/Holy See concordats.
4. We recommend that the Council resist all attempts at the introduction of religious law(s) within the EU and within member states such as blasphemy or the privileged protection of religious doctrines, persons or activities from criticism or even mockery. Such persons should, of course, be protected by general laws, for example on public order, as would be any other person.

Representation by religious organisations (see Section 4)

We fundamentally oppose formal religious representation for reasons expressed elsewhere in this document, but when the Council is considering representations made by religious bodies, we make the following further recommendations:

5. We recommend that in dialogue with religious organisations the Council be mindful that as well as the more moderate expressions of doctrines often expressed at meetings under the aegis of the Council, extremists (and sometimes also leaders) can hold very different and more fundamentalist/orthodox beliefs.
6. We recommend that the Council guard against any presumption that representations and submissions from religious bodies are representative of the population as a whole, or even, necessarily, of all of the bodies' own adherents. We suggest that the Council seek independent evidence to verify any claims, whether implicit or explicit by religious organisations that they speak for large populations
7. We recommend that, in engaging with local or minority communities, religious leaders should not be viewed as the sole or principal representatives. The assumption should be avoided that everyone in any community is religious, or even if they are, feel adequately represented by a religious leader.
8. We recommend that the Council recognise that intercultural dialogue derived from seeking opinions by consultations and representations is likely to result in an in-built religious bias because of the numerical strength of religious representations versus the scattered heterogeneous, non-hierarchical and non-institutional non-religious perspectives.

9. We recommend that the Council take great care to identify the extent of and implications of the in-built systemic religious bias in consultation and representations, and take structured steps to compensate for it. One avenue we recommend is evidence-based structured research and random surveys. An objective should be to establish the opinions of those in civil society, including Human Rights bodies. In particular, care should be taken to ensure that the views of non-religiously aligned citizens and other hard-to-reach groups enumerated above are proportionately represented. Especial sensitivity is needed to ensure an evidence-based approach on sexual matters including abortion, contraception, homosexuality/bisexuality and transgender issues, voluntary euthanasia, and scientific advances such as stem cell research. This should also apply to contentious matters of cultural and religious dress, where we believe there is evidence in some cases that undue pressure has been applied to conform.
10. We recommend that the Council engage with religion primarily as a means of assisting conflict resolution, but not in any way in policy-making.
11. We recommend limiting religious input to exchanges of views and the gathering of information and opinions solely at the working level, i.e. in the Steering Committees of the Committee of Ministers, the Assembly Committees and the Committees of the Congress of Local and Regional Authorities instead of the Committee of Ministers, the full Assembly or the full Congress of Local and Regional Authorities.
12. We recommend that the Council ensure that religious representation is not permitted to compromise the value of the INGO Conference of the Council, as would result from the creation of any parallel structure(s). The Council of Europe's activities should not be involved or concerned with doctrinal matters affecting the internal workings of religious bodies.
13. We recommend that the Council endeavours to ensure that when religious voices are invited to take part in discussions, conferences and other meetings, secular (including Humanist) or Human Rights voices are also invited to attend – both in status and as far as possible in number.. The number of religious groups is so large that they tend to dominate any discussion even if only a small proportion of them speak. Care should continue to be taken to ensure as much balance as possible in forums including conferences so as to have fair representation from all sections of society that might be affected by matter in hand. Such equality of representation must be reflected on the platform as well as within the body of conferences. Such equal representation must also apply to the submission (and circulation) of papers (and like material) and to the right to speak and be heard.
14. We recommend the rejection of the proposal to grant Churches or religious bodies' official status within the Council. We believe that to take such action would instead seriously undermine the democratic legitimacy of the Council. Furthermore, there are far more religious organisations than can be accommodated. There is no commonly accepted criterion for inclusion, so selection is likely to cause much contention and time-consuming debate.

Those not selected (and their adherents) will feel slighted, which would not be the case were there to be no representatives.

Human Rights (and related matters) (see Section 5)

15. We recommend that at every appropriate opportunity the Council should reaffirm Human Rights as the framework for resolution of disputes concerning cultural diversity.
16. We recommend that the Council resist all attempts at religious exemptions from Human Rights legislation within the EU and within member states except to the extent that this is required under current HR jurisprudence.
17. We recommend that the Council gives a strong lead in the condemnation, investigation and resistance to the manifestation of any religious doctrine or practice that oppresses or impinges on the Human Rights of women and other groups such as children, the young, and sexual minorities.
18. We recommend the Council resist any dilution of Human Rights conventions and prevent the incursion of religious laws or demands that undermine Human Rights, such as were included in the Cairo Declaration on Human Rights in Islam.
19. We recommend that some method be found of empowering those voices that are unheard in the formal surroundings of the Council (and we offer suggestions below).

Equality of women (see paragraph 5.17)

20. We recommend that the Council encourages member states to promote the equality of women's rights (for example to education) wherever such rights are undermined by religious doctrine.

Homosexuality (see paragraphs 5.18-5.21)

21. We recommend that the Council encourage member states to open up marriage to same sex couples and as a step towards this standardise civil partnerships and have them recognised throughout member states.
22. We recommend that the Council undertake a study into the vulnerability of children who are or are thought to be lesbian, gay, bisexual or transgender with a view to raising awareness and drawing up a plan of action to alleviate the difficulties they face. Particular care should be taken to investigate this issue in minority ethnic and religious communities.

Cruelty (see paragraphs 5.23-5.34)

23. We recommend that the Council vigorously seeks as actively as possible to expose, confront and eliminate religious practices that are in contravention of Human Rights (such as female genital mutilation, forced marriage, child marriage) and to give every support and encouragement in the bringing to justice of clergy responsible for criminal acts such as child abuse.

Voluntary Euthanasia (see paragraph 5.35)

24. We recommend that the Council lends its support to the growing desire amongst its citizens for voluntary euthanasia to be made legal and available

despite opposition by religious organisations seeking to impose their doctrine on others.

25. Rather than rely on religious organisations to be the sole voice over such matters, we recommend that the Council seek to establish the views of citizens by looking at opinion polls and where there are none, if necessary commissioning them.

Ritual slaughter (see paragraphs 5.36-5.37)

26. We recommend that the Council asserts its objection to the ritual slaughter of animals using methods that are gratuitously cruel.

Science (see paragraphs 5.38-5.40)

27. We recommend that, especially in education, the Council champion science as the means to understanding the natural world and in particular to counter the growing religious pressure to regard creationism and intelligent design as science, and religious opposition to stem cell research.

Free Speech (see paragraphs 5.47-5.58)

28. We recommend that the Council at every appropriate opportunity should defend the principle of freedom of speech, subject only to necessary restrictions concerning incitement to violence, the protection of public order, safety, security and libel (of an individual)

Media

29. We recommend that the Council increase its use of all media including all electronic media to convey its commitment to secular democracy, the rule of civil law and Human Rights. Especial efforts should be made to reach groups/those whose voice is rarely heard/those who tend to be spoken for by others. These include women, the young and homosexuals in potentially oppressive family or community structures. We note that sometimes journalists are pressurised to slant their copy to create more positive images of religion. We suggest this is not effective and can be counter-productive.

Education (see paragraphs 5.59-5.66)

30. In order to minimise the potential for intercultural and inter-religious tension, or religious sectarianism in educational establishments, we recommend the widespread adoption of PACE resolution 1510 (2006): "States should support information and education *about* all religions so as to develop a critical mind; to teach about religions as sets of values towards which young people must develop a discerning approach, within the framework of education on ethics and democratic citizenship; to promote the teaching of the comparative history of different religions, stressing their origins, the similarities in some of their values and the diversity of their customs, traditions and festivals; and to encourage the study of the history and philosophy of religions and research into those subjects at university."

31. We recommend that state-funded schools should not proselytise or teach pupils to believe any religion in a confessional way, and leave any such teaching to the home and/or place of worship.

32. We recommend the Council encourage the absence of any formal involvement of religious authorities in religious education in state-funded schools, but this should be left to teachers under the control of the secular authorities. We regret this may not be legally possible where to do so would contravene binding international treaties in the form of concordats with the Holy See.
33. We recommend that the Council should encourage that teaching should concentrate more on citizenship, democracy and Human Rights than at present.
34. We recommend that adult education classes be made widely and easily available on secular democracy, the rule of civil law and Human Rights for those who wish to learn more about the operation of our fundamental principles.

Language (more detail on these recommendations was given in our Response to the Council's Questionnaire dated 31 May 2007)

35. We recommend that people from linguistic minorities should be encouraged to become proficient in the principal national language.
36. We recommend the establishment of a system of "mentors", to assist immigrants to become proficient in the language of their adopted country.
37. We recommend that religious services be delivered in the language of the host nation. Particular attention needs to be given by the authorities to preaching in non-national languages. The security implications of this are self-evident.

Neutrality of Public Services (recommendations carried forward from our Response to the Council's Questionnaire)

38. We recommend that public service institutions (including schools, hospitals, and social services) be encouraged to make it clear that they are secular, neutral institutions that will operate for the benefit of all without discrimination including on the grounds of religion or belief in service delivery or employment.
39. We recommend the Council seek to discourage special privileges for any organisation based on culture or religion.

2.7 We applaud the Berlin Declaration, marking the 50th anniversary of the EU, which omitted any reference to God(s) and religion.²

SECTION 3: THE DECLINE IN CHRISTIAN ADHERENCE

3.1 It is ironic, but perhaps not surprising, that increased input from religion is being proposed (for example at the San Marino conference in April 2007) at a time when adherence to Christianity in Europe is continuing its long decline, and that even those who remain to be counted as adherents are less likely than ever before to abide by the strict doctrines of their churches.

3.2 Independent statistics show a substantial sustained reduction in Christian belief, adherence and practice. We believe these preclude any case being made for any one religion, far less any denomination to be able to claim it speaks on behalf of the people in member states (as the Catholic Church has so claimed). The following evidence demonstrates conclusively the fallacy of the much-hyped phrase “religion is back”³. Not only is the phrase unproved and misleading, the facts support the diametrically opposite position.

3.3 Only a third of Western Europeans believe in a personal God. More than 80% of Europeans do not regularly attend a religious service. Religiosity has been in decline for nearly a century⁴. In Britain, for example, normal Sunday church attendance dropped from 11% of the population in 1980 to less than 7% in 2005 and is forecast by Christian Research to drop to 2% in 2040⁵. This projection is underpinned by a greater decline in church attendance by young people compared with older people and steadily rising proportion of young people (currently two-thirds) regarding themselves as non-religious⁶. Religion ranked just ninth in a list of characteristics regarded as important to their identity⁷. When Europeans were asked what values they “cherish above all”, religion came bottom of list of 11 - with a meagre 7%⁸. Eurobarometer 66, conducted in 2006, showed “Public opinion is divided about the place of religion in society”. On average, a significant 46% of respondents agree with the proposition that it is “too important”.

3.4 The 2004 draft report “Religion in Europe”⁹ found that religion has been and continues to be in long term decline, where “attendance dropped substantially in every European country during the last three decades of the 20th century”. The report concluded that “each birth cohort is somewhat less religious than the one before.”

3.5 A December 2006 Financial Times/Harris Poll¹⁰ (comparing the US with Great Britain, France, Italy, Spain and Germany) found a high European preference for the separation of church and state with France at 86%, Spain at 84%, Germany at 77%, Italy at 71% and Great Britain at 70%.

3.6 We also recommend the analysis contained in *Why the Gods Are Not Winning*¹¹ by Gregory Paul & Phil Zuckerman (despite it apparently not having been peer-reviewed).

SECTION 4: DEMOCRACY AND THE NATURE OF REPRESENTATION

The proposal to grant churches official status

4.1 On 2 April 2007 PACE President René van der Linden stated a number of propositions in support of his desire to accord churches official status in the Council of Europe. The following is a continuous extract from his statement, but with our comments inserted in italics.

“Globalisation has brought the various cultures and religions into close contact with one another. This proximity can be a source of enrichment, but also of friction and misunderstanding. We are convinced that intercultural and inter-religious dialogue is the only way of ensuring long-term peace and stability in

Europe and the rest of the world.” {*We support the principle of resolving friction and misunderstanding through talking rather than fighting.*} “The personal contribution of religious leaders is of extreme importance and highly symbolic for promoting tolerance, respect and solidarity.” {*In practice, this “contribution” often has exactly the opposite purpose.*} “It is for this reason that the Council of Europe’s legal and political action must be strengthened through co-operation with Churches and other religious organisations...” {*There is no logical connection whatsoever between the proposition that the role of religious leaders is to the good (even if it were universally the case) and the conclusion that legal and political action must ensue*} “... which, by virtue of their moral and ethical commitment, are active components of civil society, and responsible partners in our democratic societies.” {*the moral and ethical commitment of religious organisations is to their respective doctrines, which are often in conflict with Human Rights.*} Given the increasing discussion on the role of religion in society, the Council of Europe can offer the best forum for such a discussion” {*this is a self-fulfilling prophecy fraught with danger - increasing discussion of religious issues within the Council helps build the (false) impression that if religion is much discussed it must have special status*}.

The invitation to the Pope

4.2 IHEU deeply regrets the invitation issued by Mr van der Linden to Pope Benedict XVI to address the Parliamentary Assembly at one of its forthcoming plenary sessions. The concept of him, or indeed any religious leader, addressing the assembly is the very antithesis of dialogue, unless anyone doing so will be expected to answer Parliamentarians’ questions. The invitation will also create a regrettable precedent which will be seized upon by those of other religions and denominations who will before long be demanding similar recognition. Once such demands are made it will be almost impossible to refuse them and there will be no clear line that can be fairly drawn as to which religions (or indeed subdivision or version of them) should be accorded such precious access to parliamentarians and which should not.

4.3 Within ten years, or at the most twenty years, the Council will be facing competing demands from Catholic, Sunni and Shi’ite leaders. In traditionally Christian European countries with significant Muslim populations, the demographics will accelerate the rate at which Muslims “catch up” with Christians.

4.4 The rules that religions lay down about the conduct expected of their adherents must be subject to the rule of law and Human Rights. We are concerned about the attempts by religious bodies to influence legislators to impose such rules on those who are *not* adherents. We similarly oppose adherents acting in ways which adversely impinge on the Human Rights of others, including through discrimination, whether direct or indirect. Religious leaders frequently not only encourage such behaviour but even demand the ‘right’ to do so, often on the unjustified grounds of protecting adherents’ “conscience”. Examples include discriminating against homosexuals and obstructing legislation outlawing discrimination or legislation giving homosexuals equal (or near-equal) rights, such as enabling civil partnerships.

The manoeuvres and tactics of religious organisations

4.5 Religious organisations, particularly the Catholic Church under the auspices of the Holy See, have successfully manoeuvred within the European Commission to gain undue influence and privilege, as alluded to in Appendix A, for example securing formal pre-legislative scrutiny. The aim, and sometimes the result, has been to impose religious perspectives on the population as a whole against the wishes of the majority of citizens (as could be revealed through opinion polls), for example over voluntary euthanasia. We are convinced that by according representative status at the Council of Europe to religious organisations it would open the way to similar, essentially undemocratic, influence.

4.6 Religious organisations sometimes succeed in gaining unjustified additional influence by conflating race and religion: by seeking to benefit from the abhorrence of racism on what are fundamentally religious issues. We applaud the great progress that has been made in reducing prejudice, discrimination and abuse on the grounds of race. Nevertheless, much more remains to be done. It nevertheless is increasingly the case that racial prejudice is seen by ordinary citizens as abhorrent. This paradigm shift is being exploited by religious organisations by characterising legitimate criticism of religion or the religious as “racist”. Religious organisations make constant attempts to have religion (a matter of belief in an idea) protected in the same manner as race (a matter of genetics). The two are not, in any respect, equivalent and it is dangerous for legislators and police authorities to be unwittingly drawn along that path. It is not only legitimate but essential to examine and debate religious prescriptions, proscriptions and political involvement which have no equivalent in race.

4.7 We see religious organisations using this tactic both to exaggerate and undermine the legitimate concerns of ordinary citizens. For example, criticisms of acts of terror (for example suicide bombing of civilian targets; kidnap, torture, execution of civilians; Iran promising to destroy Israel; threatening, harming and assassinating journalists, writers, playwrights and broadcasters) carried out in the name of Islam are denounced as Islamophobia and then equated to racism (which by definition it is not). (This is not to suggest in any way that we do not equally criticise the acts of terrorism by the Israelis and their long-standing violence against and abuse of the Human Rights of Palestinians.) We might also remark that a phobia is an irrational fear. For many ordinary citizens any group or organisation that uses terrorism is to be feared, rationally so, and accompanied by the desire to see such behaviour overcome.

4.8 Similarly, religious organisations sometimes choose to conflate religion and culture, as a way of gaining extra influence. For example the wearing of religious dress or symbols is claimed to be a simple cultural matter and therefore implicitly beyond criticism.

4.9 Religious organisations like to portray themselves as victims, whose rights are being suppressed. For example in the recent debate in the UK concerning legislation to prevent discrimination on the grounds of sexual orientation, Christian bishops complained that their “rights” were being “trumped

by the rights of gays". Who here is the victim? Is it the churches that wish to be granted legal sanction to discriminate against homosexuals? Or is it the homosexual community which seeks only the right to be treated as an equal citizen? To the reasonable person applying Universal Human Rights, the churches are not the victims.

4.10 Most worryingly for the future of the "European Project" is the way we see religious organisations forming temporary alliances, despite their own doctrinal antagonisms, and thereby seeking actively to undermine the secular framework of governmental organisations. We cite the alliance between Christian and Muslim organisations over the Danish cartoons, which, with the use of violence and the threat of violence, led to unjustified self-censorship in parts of the media and a disgraceful disinclination by some member states to unequivocally defend free speech. We cite the alliance between Catholic and Anglican churches in the UK in which the latter supported the former's threat to close adoption agencies (to the potential disadvantage of ordinary citizens and babies in need of foster or adoptive parents in connection with its attempts to block new anti-discrimination law.)

"Religion is back?"

4.11 If "religion is back" then it is clearly not because of some new-found piety in the mass of ordinary citizens. We must look to other causes. We must identify those things that have put religion back on to the front pages and on to our television screens. It is difficult not to conclude that the causes must include: religiously-motivated terrorism, the rise, perhaps in response, of more aggressive behaviour of other religions (both Christian and minority) in using violent protest for example in attacks on free speech, and becoming much more active in start-of-life, end-of-life and medical research issues where their views generally conflict with society as a whole. Further examples can be provided on request.

Moderate v fundamentalist religious representation

4.12 Those who come to the Council of Europe to speak from a religious perspective tend to be more liberal and prepared to debate in a way that their more extreme brethren, and in some cases leaders, are not. This can leave the Council with an very over-optimistic impression about how willing the religion is to embrace dialogue. While most Catholic delegates, as at the meeting in Strasbourg on 27 February 2007, for example, were liberal, the Bishop of San Marino (at the later meeting there) was uncompromising to the point of practically demanding that the Catholic Church be the (implicitly sole) partner of the Council. Practically every delegate expressed a desire for peace. Yet their more extreme adherents (who are not to be seen taking part in Council deliberations) are frequently motivated by the violent undertone in the scriptures they revere. And the extent of such radicalism in communities in members states, far less to the East, while rarely acknowledged publicly, should be a source of the gravest concern to us all.

4.13 Religious leaders and spokespersons are keen to promulgate the idea that they all promote peace and reconciliation. Indeed, many leaders seek to do this and encourage others to do so. But it should not be forgotten that too many

religious states (mercifully no longer the case within Europe) educate their children and inculcate their people with the belief that infidels are despicable and should be killed.

4.14 Nor should it be forgotten that the texts on which most religions are based and revered by their adherents contain much racist, misogynist, genocidal and homophobic material, which clearly influences some of their more extreme adherents¹² There are, for example, far more verses in the Abrahamic books concerned with violence and revenge than with peace and reconciliation.

4.15 We note that the Vatican publishes regular assessments of religious liberty throughout the world¹³. From these it can be seen that most oppression is by majority religions (frequently Islam) against minority religions.

Duplicate representation of religion

4.16 We draw to the Council's attention the fact that formal representation of religion is tantamount to duplicate representation since parliamentarians (and indeed all individual participants) already bring with them their own religious, or indeed non-religious, perspectives. These will broadly reflect the religious and belief characteristics of society as a whole in member states, and will also continuously reflect the subtle changes that are taking place. To introduce such duplicate representation would be undemocratic and unfair on the many non-religious and non-practising citizens.

The illegitimacy of religious "representation"

4.17 Religious authorities or spokespersons are not democratically elected and are frequently not representative of the religious groupings for which they claim to lead or speak for. They are almost exclusively male and older, and tend to be more orthodox. The Vatican's uncompromising line on sexual matters is widely disregarded by, or thought extreme by, a significant proportion (and possibly even the majority) of Catholics. Italy's low birth rate and the wide availability of contraceptives are evidence of this. The voices of liberal organisations, such as Catholics for a Free Choice, which we suspect accord much more with the perspectives of ordinary Catholics, are rarely if ever heard – especially in official representations. We note elsewhere that such representation, even if it were representative, distorts democracy by duplicating the religious voice.

4.18 Undue pressure is brought to bear by the Vatican on Catholic politicians, public servants and medical practitioners to adhere to the Vatican line, whether they agree with it or not, especially on abortion. The clear aim is to override the democratic or professional duty to act in the best interests of those they represent or to whom they owe a duty of care.¹⁴

4.19 The Catholic Church even seeks to deny emergency contraception to women raped by enemy soldiers. At the Vatican, Cardinal Trujillo continues for his own doctrinal reasons to repeat the deliberate falsehood that condoms are pervious to the AIDS virus, despite being corrected by the World Health Organisation¹⁵.

4.20 It is clear that much of the aim of religious representation is directed towards promoting self-interest, the garnering of power and influence with the purpose of serving to promote religious doctrines or maximise the religion's power. A frequent objective is to secure exemptions on religious grounds from legislation designed to achieved equality and fairness for all, or in the case of Vatican concordats to secure power, influence or financial benefit for the Church, or privileges for its followers.

4.21 A salutary lesson about the folly of allowing formal religious representation can be seen at the EU where such representation has given religion a hugely disproportionate voice for several reasons. Principal among these is that the number of religious missions to the EU is large and growing (rising from 50 to 60 in the last few years) yet there is only one non-religious equivalent.¹⁶ This is to be expected from the fact that the non-religious are heterogeneous and do not have a formal power structure – there is no logical reason why they should have one. Yet the non-religious could be directly and often adversely affected if the religious were able to impose, as they frequently seek to do, restrictions on all citizens based on their doctrines. Moreover the representatives of some religious organisations, particularly the Catholic Church, are permitted by the European Commission to have huge influence, while the one non-religious representative has hardly any at all. Religious representation in the EU is neither transparent nor open, and many parliamentarians are not kept informed about religious representations, and have difficulty in finding out what has happened or is planned. Appendix 1 provides more specific examples of this.

An absurdity in extending representation

4.22 There will always be ten (or even a hundred) times more people to offer themselves as formal religious representatives than non-religious representatives because: the former have a belief to protect and proselytise; most religions have a hierarchy which wants to protect itself and promote its interests (i.e. generally to seek to impose their particular worldview on the whole population through the law); and the hierarchies by definition have leaders who are ready-made spokesmen.

4.23 On the other hand, the non-religious are heterogeneous, have no 'book' around which to unite, nor belief, common property, privileged status or hierarchy to protect, and have no wish to proselytise their non-belief. Yet they will be adversely affected by the attempts by religious representatives to impose 'religious' doctrine on all, arguing transcendental moral authority. The non-religious can therefore never offer a fair match for formal religious representation. So, the greater the extent of religious representation, the greater the mismatch of power/representation—given that those who practise no religion are in the majority and growing.

4.24 An additional problem which would come with accepting the principle of religious representation is finding a consensus on the criteria to qualify for representation. For example, would Scientology be recognised? Do Shia and Sunni Islam count as separate religions? Whoever is excluded will fight

strongly, and both leaders and adherents of the religions excluded will harbour a resentment which they would not if there were no religious representation.

4.25 More fundamentally, religious representation runs completely counter to the democratic basis of the Council of Europe—that its representatives are drawn from the democratically elected bodies of the member states.

4.26 Moreover we can see no justification to accord religious organisations official status and grant them privileges. There seems no more justification to grant such privileged status to them than to business leaders, trade union leaders, university chancellors, media owners, or any other “leaders” who could claim (in a non-democratic sense) to “represent” large groups of people. Similarly undemocratic - if the basis is to be leaders of opinion or of morality - would be vegetarians, pacifists, anti-vivisectionists, eco-warriors or others who can claim to be motivated by a particular ethic. If the claim for preferment is that religion represents the culture of different peoples, then why not grant official status to representatives of ethnic groups such as Basques, or those of literary, culinary, sartorial, or other cultural traditions? It would simply not be feasible to accommodate so many factions, and indeed this argument would apply even if it were only religion that were to accorded this representative status – we would be in danger of religion taking centre stage to the point that the Council’s deliberations take on the characteristics of a Synod.

4.27 And the more that are included, the more those left out will feel excluded.

A recipe for conflict

4.28 For historical reasons the Christian religions are currently the most influential in Europe. And yet in a fair (and indeed a secular) society no privileges should be accorded to any religion or religions. Citizens should neither be advantaged or disadvantaged by virtue of their religion or belief. If one religion has special status, the others will understandably want it too.

4.29 To reiterate, we do not deny the right of the religious to hold views counter to Human Rights, or to express them (they are entitled to their freedom of expression and it is important for all to know what religion represents). Furthermore we agree that dialogue is the best way for those committed to Human Rights to persuade their detractors to mend their ways. Indeed that should be our aim. We strongly contend that granting special status to religious organisations would work against the advancement of Human Rights, and perhaps even their maintenance and in the longer term sow the seeds for greater conflict.

4.30 Finally, it must be remembered that in democratic institutions the panoply of religious views (or lack of them) is already represented every time the people are called upon to vote.

The EU is steadily becoming more subject to religious control

4.31 Sophie in 't Veld, Chair EP Working Group on Separation of Religion and Politics, has said¹⁷: “As The European Union as a political body has never had a religious past, it never drew its authority from the idea of its divine foundation unlike European Member States might have done in the past. It is a very young

reality that resulted from the will of political leaders to make war and totalitarianism impossible in the future, ensuring peace and freedom for European citizens by founding a community based on universal principles and rights. Consequently this institutional reality took the form of a secular social contract based on political and ideological pluralism.”

4.32 In the last half century it is this philosophy that has underpinned the success of the EU in its promotion and protection of universal rights of the individual. To dilute it with a new blurring of the separation of church and politics is to imperil the liberty of the present and future generations.

4.33 We regret the 2006 comment¹⁸ made by Chancellor Merkel that “I believe this treaty should be linked to Christianity and God because Christianity was decisive in the formation of Europe.” So was the rise and fall of Hitler. While we in no way equate the two, it is easy for Christianity’s bloody past to be glossed over. We suggest a pause to consider the, perhaps subconscious, motives of those calling for these special mentions of God and especially Christianity: could it be an attempt to regain more power and privilege relative to the increasing proportion of citizens who are not Christian or believers in God?

4.34 Religious organisations are making more strident attempts to be allowed to influence EU policy. The most public manifestation of this is the pressure for Article 52 of the draft EU constitution which says “The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States”. Unlike similar wording in Declaration No 11 of the Final Act of the Treaty of Amsterdam, this wording of Article 52 would be justiciable.

4.35 To a casual reader (Draft) Article 52 also contains an equivalency for both religious and “non-confessional” organisations, but the expression “and does not prejudice” only applies to the religious organisations, but more importantly the non-confessional organisations (unlike religious organisations) have no special privileges or any remotely comparable status to protect. So the net effect is to protect the privileges and status of religious organisations.

4.36 In any case Article 52 is unnecessary given the provisions of Article 47 (the principle of participatory democracy).

4.37 We demonstrate above that Article 52 is unnecessary and introduces a significant benefit for religion versus civil society, and it is not even in force at the date of this report. Yet the European Commission is operating as if it were in force, consulting heavily with religions to the virtual exclusion of the non-religious in civil society.¹⁹

4.38 The situation has become so unsatisfactory that three MEPs from the EU’s Separation of Religion and Politics Working Party wrote in June 2007 to complain about it to the Presidents of the European Council, the European Commission and the European Parliament.

4.39 Furthermore Michael Cashman MEP has complained to H.E. Dr Michael Weninger, policy advisor [on religious affairs] to the President of the European Commission²⁰ about the lack of transparency over the open dialogue between religious organisations and the European Commission. After citing precise legal

references to support his contention (some of which he had been instrumental in establishing) Mr Cashman told Dr Weninger the European Parliament would, in the last resort, take the Commission to the European Court if it failed to disclose relevant agendas, minutes etc.

4.40 The text of this letter of complaint to the Presidents of the European Council, the European Commission and the European Parliament is included in Appendix C followed by a lucid summary of our concerns “Article 52 of the European Constitution” prepared by Catholics For a Free Choice – Europe. The excellent Secular Europe under attack from militant religion (see Appendix A), by the European Humanist Federation’s Secretary General, Prof Georges C. Liénard, charts the deeply disturbing unchecked growth of religious influence in the European Union.

4.41 We believe the EU is moving ever closer to imposing religion on citizens – even those who have no religious belief, or are not practising any religion.

SECTION 5: HUMAN RIGHTS (and related matters)

Human Rights under threat from religion

5.1 We assert that Human Rights are under unprecedented threat and that the greatest source of this threat comes from religions, both mainstream and minority. We see the greatest threats in matters relating to sex, women’s control of their own fertility, decisions affecting the start and end of life, scientific progress, freedom of conscience and in discrimination of various kinds.

5.2 Emerging areas of difficulty, often more associated with Islam, are freedom of expression, freedom to change belief without penalty, discrimination against women and homosexuals, freedom of movement and of association. The right to a fair trial and equal justice would become an issue with Sharia law.

(Animal rights are also compromised by exemptions from humane slaughter regulations. Only Jewish and Islamic slaughter methods are granted such exemption. See paragraph 5.28 below)

5.3 Another claim made frequently at the Council of Europe conference at San Marino (April 2007) is that Human Rights were invented by religion or, more specifically, Christianity. Some of the guiding principles of Human Rights, such as equality, are espoused by religions but they have no monopoly on them, nor were the Abrahamic religions the first to utter them. And none of these religions have an enviable record on Human Rights in their all-too-often bloody histories. Nor, as is mentioned elsewhere, can it be said that the passages relating to peace and reconciliation outnumber those of violence and retribution.

5.4 At all costs we must resist the current fashion of creeping Human Rights relativism: the dismissal of them, mostly by those not rooted in the West, as a “Western construct”. Nor should we stand by and allow Human Rights to be compromised by disingenuous calls for group rights - often a euphemism for religious rights – to take precedence over individual rights. Neither should we

give in to the mounting pressure for religious “trump cards” such as “conscience” to overrule or redefine inalienable universal Human Rights.

Failure of UN Human Rights Bodies

5.5 We set out below some of the repeated, spectacular and tragic failures of Human Rights bodies within the United Nations to uphold Human Rights. We contend that this is due to religiously motivated obstruction and initiatives that compromise Human Rights and cite as corroborative evidence a Reuters report entitled “Islamic states urge UN boss be quiet on rights body”²¹. We cite the resolutions recently passed in both the UN General Assembly and the Human Rights Council “combating defamation of religions”. We regard the creation of such an offence to be a serious threat to free speech. IHEU has also made a Submission²² on ‘Combating Defamation of Religions’ to the Anti-Discrimination Unit, UN High Commissioner for Human Rights, Geneva on 17 July 2007. We provide a more general commentary on this matter at Appendix B.

5.6 A list of worldwide examples of religious abuse of Human Rights can be provided.

Vatican/Holy See Concordats.

5.7 The draft concordat with Slovakia on freedom of conscience was examined by an independent panel of international lawyers at the request of EU parliamentarians and found to raise serious concerns on Human Rights grounds about discrimination against non-Catholics, and for their being denied access to services such as abortion²³. This is the only Vatican/Holy See concordat examined in such a manner so far, but others are expected to be susceptible to similar concerns. The Vatican has long used such treaties. We might recall the Vatican Lateran Pact with Mussolini in 1929 and the Treaty with Hitler of 1933²⁴. Hundreds are still in force worldwide.

5.8 Comprehensive information about Vatican/Holy See Concordats is given on the Concordat Watch website²⁵

Religions seek exemptions from Human Rights

5.9 The principal international representative of IHEU at the San Marino conference came from the UK. He notes that in the UK, in the first few months of 2007, all the major institutional churches fought hard to block legislation to outlaw discrimination against homosexuals in the provision of goods and services. The attempt was unsuccessful but the Anglican Church was successful in proposing legislation to dismantle long standing anti-discrimination provisions to protect non-religious staff in publicly funded schools. In 1998, the Anglican Church (largely unsuccessfully) sought exemption for religious bodies from the UK’s Human Rights Act. At the behest of the religious, most UK anti-discrimination provisions contain religious exemptions. Apart from *de minimis* exceptions, there are few if any other exemptions. We believe such examples reinforce our contention that religious bodies are, in many instances, major obstructers of Human Rights.

5.10 Increasingly, we hear from religious organisations, particularly in the context of the introduction of equality legislation, that if any outside limitations were placed on religious practice, it would infringe upon their freedom of religion on the grounds that attempts to restrict any practice are an infringement of the rights of the religious, or their conscience. Such arguments are made even where the practice being limited is detrimental to the Human Rights of others, for example homosexuals.

5.11 The inability of the UN Human Rights Council to condemn the application of the death penalty for apostasy serves as a sober warning to all as to the dreadful consequences when Human Rights are made subordinate to religious doctrine and their application muted by religious voices.

Unfairness of alternative systems of justice

5.12 We have particular concerns about several aspects of the fairness of introducing alternative systems of religious justice, something long ago abandoned in Europe for general citizens. We are similarly concerned about calls for separate taxation systems aimed at those of a particular religious adherence, if they are not made available to all.

5.13 We are also concerned about calls for separate publicly funded health arrangements entirely segregated between males and females²⁶. Such calls have been made in a number of Western countries and our objections centre on grounds of integration, cost and resources.

5.14 Public health was in danger of being compromised by religious demands made under the guise of freedom of religion by UK Hindus seeking to prevent the culling of a “sacred” bull which tested positive for TB and was found in a post mortem to be infected. The Hindus protested that their Human Rights were being infringed and refusing to be bound by the law under which thousands of cattle have been culled to protect public health. The protest was supported by a national Hindu organisation and protestors even obstructed the police and public officials removing the bull for destruction with the permission of the High Court. This took place in Wales in July 2007 and was reported throughout the world.²⁷

The hard truths of religious morality

5.15 Religious organisations claim to be the exclusive source of morality. They claim that their moral teaching is divinely revealed in ancient texts. They claim that their moral codes define the common good. From these claims a reasonable person would conclude that religious morality is invariably beneficial, timeless (unchanging) and applicable to all. And yet these codes have produced, to give just a few examples, the Inquisition, the Thirty Years War, torture and execution for heresy, witchcraft and blasphemy, the condoning of capital punishment or imprisonment for homosexuality, imprisonment without trial, and the forced removal of infants from unmarried mothers. Historically (and admittedly therefore in a different culture), religious organisations and their priests knowingly and contentedly benefited from the slave trade and preached that poverty was part of God’s design, about which little could be done, other than to build churches (not homes) for the poor to pray in. Even today most

churches resolutely preach against contraception, all abortion, assisted dying, the equality of woman and homosexuals (indeed we note a recent report²⁸ that the Catholic government of Poland is to launch a national programme of “cure” for homosexuality). That is to say they preach against those things which most citizens accept as morally acceptable, and indeed as morally preferable.

The religious subservience of man-made law

5.16 In countries governed by Islamic law punishments are frequently severe for homosexuality, heresy, apostasy, blasphemy, adultery, and even failure to comply with dress codes. Females are routinely denied equal education and in some countries any education at all. Worldwide fatwas can be issued for those who have offended the religion. In Europe we increasingly hear from Muslims that man-made law is subservient to God’s law, that democracy – a man-made construct – cannot usurp the will of God as communicated through the Imams. The plea for special treatment more often heard from Christians over “matters of conscience” is a lesser variant.

The equality of women

5.17 Religious oppression of women remains widespread in the world today. In Europe not so long ago it was (deplorably) the case that the moral paradigm (one that was assiduously taught and supported by the Christian churches) assigned to women the status of second-class citizens, perhaps even non-citizens. They were denied rights to education, to suffrage, and to equal pay. They were excluded from the professions and from some scientific work. Married women were denied rights to own property and were themselves treated as their husbands’ disposable chattels. Their function was to bear children and keep house. It is through the long and brave struggle of women (supported by some liberal men) that equality under the law has been achieved – at least in theory. And yet, even today, religious organisations (practically all entirely dominated by men) seek authority to proscribe women from making their own choices about childbearing. Provided that civil law operates sensible, consensus restraints (for example on age of sexual consent, and on abortion) then such choices are for women to make, and should not be subject to the dictates of those promoting (often absolutist) religious doctrine.

Homosexuality

5.18 Practically all religions in the last two thousand years have condemned homosexuality. They have encouraged cruel penalties (even the death penalty) and have in some cases been responsible for carrying them out. They have also been responsible for forming the attitudes behind much of the hostility meted out by others to homosexuals. Even today religious leaders oppose the law being made any more liberal to approach some degree of equality with heterosexuals. That these advances have been made is largely thanks to developing European Human Rights jurisprudence. When accused of discrimination, the churches claim that they are not being discriminatory because they oppose all sexual acts outside “holy matrimony”. What is always glossed over is that in their terms there is no legitimate equivalent for homosexuals, so if they are to escape the disapproval of most churches and minority faiths, they are condemned to a life without sexual expression.

5.19 Attitudes to homosexuality in most minority religions are even less enlightened and more cruel than the churches.

5.20 And it is religious organisations that still manage to prevent all but a few European states from opening up marriage to same sex couples. The current civil partnership laws are welcome, but are a patchwork quilt of non-transferable arrangements, even within Europe.

5.21 Although welcome progress has been made towards sexual equality for ages of consent and for civil partnership and marriage, similar progress has not been made in the lives of homosexual young people and children. Bullying of young homosexuals (or those thought to be) is rife, even in some cases with the complicity of schools. Rates of self-harm and even suicide are materially higher for heterosexual children. This is confirmed in a report released in the UK in 2007.²⁹ Even more vulnerable are homosexual children in minority religious communities.

Suffering

5.22 Religious doctrine has historically promoted human suffering as a test of faith and as an opportunity for others to exhibit God's grace. This is no longer a proposition with which the majority of citizens are comfortable. Provided the law operates sensible, agreed constraints, the majority of citizens support the right of the terminally ill, or incurably suffering, to choose to end their own life. The religious claim that only God has the right to give or take life is, today, not accepted by the majority of citizens. By analogy, when lightning conductors were first invented religious organisations refused to have them installed on churches because such devices sought to interfere with God's freedom to destroy a building. Eventually the churches changed their minds.

Cruel rituals

5.23 Another serious religious/cultural problem is female genital mutilation (fgm), sometimes euphemistically called "female circumcision". Like so many religious/cultural abuses it is hidden, under-reported. "An estimated 66,000 women and girls in England and Wales have had their genitals forcibly mutilated" yet "no one has yet been prosecuted" despite the practice being specifically outlawed since 1985, according to the London *Guardian*³⁰ An article from a Norwegian paper *Aftenposten*³¹ refers to an attack on a woman who exposed the positive attitude of Muslim leaders [in Norway] to female circumcision. She did so in a TV documentary which gathered evidence using hidden cameras. The Islamic Council Norway (IRN) condemned the attack on the woman.

5.24 Furthermore, in Judaism, Islam and some Christian societies genital mutilation of male infants is held to be perfectly acceptable.

Child abuse by priests

5.25 The Catholic Church has become mired in scandal regarding child abuse by priests. It is plain to the ordinary fair-minded citizen, whether religious or not, that such abuse is wholly wrong and that allegations should be brought to the attention of the police, and made subject to criminal and civil law, as soon as

possible. And yet the churches have held (and made regulations accordingly³²) that in respect of such allegations their first duty is not to the victim or to justice, but to protecting the reputation of the church. This has resulted in priority being given to concealing allegations, to persuading the victim and the family to keep quiet, and allowing the culprit to continue in a position of trust with children, permitting abuse to continue. Of course it is both true and sad to say that instances of child abuse are not confined to the Catholic clergy. But, for the ordinary citizen, that abuse is made the more abhorrent by the fact that the Church has attempted in this way to have us all believe that the clergy is incapable of such crimes.

5.26 Furthermore, the power of the clergy has historically been such as to render it unthinkable for a victim to resist. It must also be recognised that the scale of this abuse (in both numbers and timeframe), suggests an endemic, systematic worldwide problem³³. Just three Roman Catholic archdioceses in the USA have been forced to settle child abuse claims for over one billion US dollars in cases that go back fifty years and in which the Church has been complicit in covering up³⁴. One document, apparently from the Holy See in 1962 appears not only to condone this, but instruct it.³⁵ The Catholic Church is not alone. Reports suggest serious problems in other religious institutions such as the Anglican Church, a Mormon sect and concerns have been raised from within the Muslim community³⁶.

Abuse of children in minority religious settings

5.27 The Council needs also to be aware of the potential for abuse of children in places such as madrasas. As well as beatings for failure to learn the Koran in Arabic by rote, this can include sexual abuse. According to the BBC³⁷, "A group of Muslim leaders says the community is in denial about child abuse in religious schools, known as madrasas. The UK has about 700."

5.28 As is now to be expected, such problems tend to be ignored by the authorities because of religious sensitivity, meaning the weak are left unprotected and the perpetrators allowed free to serially re-offend. Ann Cryer MP for Keighley (N W England) has fought to raise awareness of this issue.

Forced marriage (including child marriage) and honour killings

5.29 We draw a distinction between arranged marriage (when both parties, being of full age, freely consent) and forced marriage, being contrary to Human Rights. Unfortunately, forced marriage, a much greater problem than generally appreciated, is not taken seriously enough by the authorities because of religious/cultural sensitivity and is rarely condemned by religious leaders in communities where forced marriages typically occur. As we have come to expect with areas of the law which impinge on religious and cultural sensitivities, the normal rule of law is only hesitatingly enforced. Prosecutions are almost impossible to obtain and alternatives may need to be pursued in the interests of protecting the victims. The arguments for and against prosecuting offenders are well rehearsed in a UK Bar Council paper *Forced Marriage, A Wrong Not A Right* (2006)³⁸

5.30 The mistaken view that the honour of a family is vested in the sexual relationships of its family members (almost invariably of women) is promoted by some religions, and leads to a frame of mind where family members will kill a woman who is seen as having dishonoured her family by committing (in their terms) some sexual transgression, which could simply involve having chosen a boyfriend from what the family consider to be the “wrong” background. This is particularly troubling given the vulnerability of the people involved: often underage girls and very young women.

5.31 As noted above, the scale of this issue is much greater than is generally known. A case in London in 2007³⁹ showed that the murder victim’s “offence” was to go out with a boy of a different Kurdish clan. A relative described the killing as part of an epidemic and this was corroborated by the Chief Investigating Officer in this case who told the BBC: “I do think that we are only scratching the surface of this. One of the difficulties is that these things aren’t often reported.” It is thought that some cases are disguised as suicides. More evidence of the scale of this is shown on the Lilith, London-based, website.⁴⁰ The UN reportedly considers there are about 5,000 such killings annually worldwide⁴¹.

5.32 Even when they are reported, the police are reluctant to act, generally because of pressure on them to be sensitive about investigating religious and cultural minorities. The result can be, as in this case, that even when the police were told repeatedly of the dangers, they failed to act and protect the person at risk. Even when they do act they are likely to be severely obstructed in their efforts by the minority community (as indeed happened in the case above).

5.33 The Council needs to build awareness of this problem:

- (i) a reinforcement of the role of police and prosecuting authorities to pursue suspected infractions of the laws which forced or child marriage contravene with no less rigour because of (misplaced) unwillingness to offend the sensibilities to religious and cultural communities.
- (ii) greater attention to gathering local intelligence,
- (iii) encouragement of greater intervention by the police, greater protection of witnesses and those at risk (including the provision of new identities), and
- (iv) more safe refuges to be funded publicly

Child marriage is non-consensual sex

5.34 We endorse the oral statement made to the Human Rights Council in Geneva by Babu Gogineni on 19 March 2007 on behalf of IHEU and the World Population Foundation:

“The practice of child marriage has all but disappeared from Western society, but is still all too prevalent elsewhere. It runs hand in hand with other forms of violence against girls and young women.

“Girls aged 10-14 are five times more likely to die in pregnancy or childbirth than women aged 20-24. Young girls whose bodies are not ready for pregnancy and childbirth can suffer complications such as obstructed labour and obstetric fistula. Girls who marry while still children have been shown to be more at risk than girls who marry later from HIV-AIDS infection, and are more likely to be subject to domestic violence and to suffer psychological damage. Whether or not the practice of child marriage and its related abuses are justified by culture, tradition or religious belief, the fact remains that thousands of girls are suffering and dying as a result of this practice.

“Child marriage, like forced marriage, or rape, is a form of non-consensual sex, and an abuse of Human Rights. It is prohibited by a number of international conventions. Nevertheless, it is estimated that within the next ten years more than 100 million girls are likely to be married before the age of 18.

“We call upon States to take all necessary actions to end the practice of child marriage by, inter alia:

- Fully implementing all of the relevant Human Rights Conventions
- Rectifying the legislative loopholes between religious, customary and civil marriages
- Introducing laws to raise the legal age of marriage to 18 years
- Raising the awareness of all, including parents, on the negative impacts of child marriage
- Promoting gender equality and the right of girls and young women to education”

Voluntary Euthanasia

5.35 In most European countries there is growing support (for example most Czechs citizens are claimed to support voluntary euthanasia⁴² as are those of the UK⁴³) for some forms of voluntary euthanasia, of which the most conservative is physician-assisted suicide under strict conditions and stringently controlled procedures. In some countries, such as the UK, the support is overwhelming, but there, as in some other countries, the principal opposition is from religious sources. We hope the Council will create circumstances where those in dire need and wishing voluntary euthanasia will be allowed to die in dignity, leaving those who do not wish to avail themselves of such services to be able to refrain from doing so.

Ritual slaughter

5.36 We consider it an unacceptable cruelty in a civilised society that in many member states the slaughter of cattle and sheep is permitted without pre-stunning. While most member countries require pre-stunning, many allow exceptions only on religious grounds. We urge the Council to follow the example of New Zealand, Australia, Switzerland and Sweden, all of whom have made pre-stunning mandatory, and for whom we cannot find evidence of adverse consequences. If it chooses not to do so, it should explain why the above countries can introduce a ban but the Council cannot. Even Saudi Arabia

now accepts the practice of pre-stunning, provided it does not kill the animal. Not all religious groups who require their animals to be bled to death are against pre-stunning and we think there is a cogent argument, based on animal welfare and current scientific evidence rather than centuries-old tradition, that make adoption of pre-stunning an unarguable ethical imperative in a humane modern society.⁴⁴

5.37 We call for the removal of any exemptions in slaughter regulations to the requirements to stun animals ahead of slaughter.

Religious wars

5.38 We can all see the resurgence of religious fundamentalism and conflict. Jews and Muslims fight in Palestine and Lebanon. Shia and Sunni Muslims fight in Iraq. Muslims and Christians fight in the Sudan. Muslims and Hindus are in a stand off over Kashmir. Catholics and Protestants have only just desisted (we hope permanently) from fighting in Northern Ireland. Religious conflict was a major component in the Balkans in the 1990s. The list goes on. Increasingly, military conflict around the world seems to have religion at its heart, rather than "simple" disputes over borders or access to resources. And yet in the calm of Strasbourg (or San Marino) those representing the religions that have been at the centre of so many hostilities emphasise their commitment to peace. Clearly those coming to such meetings are not representative of those causing such conflict.

5.39 We also see the two great competitors, Islam and the Roman Catholic Church, starting to eye each other up. It is well known that there was a massive reaction in the Muslim world to the Pope's reference at Regensburg in 2006 to Islam and Holy War and to what he described as Mohammed's "command to spread by the sword the faith he preached"⁴⁵. And within a year we have his secretary in 2007 saying: "I believe the Regensburg speech was prophetic," Msgr. Ganswein said, because it countered a "certain naïveté" among people who do not recognize that various currents exist within Islam. ... "Attempts at the 'Islamification' of the West cannot be denied, and the associated danger for the identity of Europe cannot be ignored out of a wrongly understood sense of respect."⁴⁶

5.40 We would not be the first to question whether this carefully orchestrated escalation of hostilities from the very apex of the RC Church is the start of a strategy to unite Europe around the Catholic Church in opposition to Islam. This is yet a further reason for the Council of Europe to steer well clear of religious representation, and of inviting religious dignitaries to address the parliamentary assembly.

Science

5.41 Religions have traditionally stood, in the way of scientific progress. Amongst the most striking historical examples are the ruthless suppression of the concept of the earth as a globe and later the heliocentric understanding of the solar system. But such obstruction is not just historical; it is prevalent today and arguably becoming more intense.

5.42 The main opposition to stem cell research, with its huge potential for treating previously intractable diseases, comes from religious sources. According to the Australian Broadcasting Company “The Catholic Primate of Australia and Archbishop of Sydney, George Pell, is threatening to deny communion to Catholic politicians who vote for an expansion of stem-cell research. Archbishop Pell’s intervention may not be totally unprecedented but it’s bound to shock many Catholics and perhaps a few politicians too.”⁴⁷

5.43 Similarly, the Vatican maintains, for own doctrinal purposes that condoms are pervious to HIV, despite repeated correction by the World Health Organisation⁴⁸ (as also shown above). The effect of such malevolent misinformation is likely to have caused thousands of unnecessary deaths.

5.44 The [UK] Christian Institute has opposed the use of vaccines such as Gardasil to prevent the spread of the human papilloma virus (HPV) in the first year of secondary school. According to the *Daily Telegraph (London)* “More than a third of around 3,000 women diagnosed with cervical cancer each year in Britain die from the disease”. Yet the UK Christian Voice went so far as to describe it as a “tart’s jab”⁴⁹, clearly seeking to discourage its provision. If they are successful, thousand of people will die unnecessarily.

5.45 Until the last decade, opposition to evolution in the US Bible belt in the 1930s was thought to be an aberration and the opponents became the subject of world-wide derision. Now, however, multi-billion dollar campaigns seek to impose “intelligent design”, a Trojan horse for creationism. In the UK, a leading scientist, Professor Steve Jones, professor of genetics at Galton laboratory of University College London, reports a massive increase in the proportion of university students who believe in creationism compared to just three percent who did so a decade ago.

5.46 In Kentucky USA a creationist theme park has opened, calling itself a “museum”, presumably in the hope of conveying a sense of authenticity. Among other things it shows human children coexisting with dinosaurs in a world it claims is only a few thousand years old. A similar exhibition (*The Genesis Exhibition*⁵⁰) has recently opened in Portsmouth UK. Such contrivances are merely new methods for the traditional religious obstruction of the progress of science and the understanding of the natural world, with such obstruction being aimed primarily at children. As physics professor Lawrence Krauss has said of the Kentucky museum “They make such a point of trying to make it appear scientific. Instead of shying away from those things that clearly disprove what they’re trying to say, they use those things for deception.”⁵¹

Religious attacks on Freedom of expression

5.47 The freedom to think and express oneself without fear of reprisal is generally regarded as the bedrock of democracy. The control of thought and self-expression has been a constant feature of most religions, often with fierce penalties for those who transgress. We are using “blasphemy” here as a blanket term for breaches of such religiously-imposed limitations which are widely and vaguely drawn. And yet the EU seems to be edging towards some form of blasphemy law, apparently not alarmed at the prospect of endangering the basis of its existence, and not seeing the danger of the slippery slope.

5.48 In February 2006, Belgian Islamists staged a march through Brussels, demanding that the European Commission institute a Europe-wide blasphemy law. The marchers delivered a letter of protest about the Danish cartoons to the European Commission, the European Parliament and the Danish Embassy. The president of the Union of Brussels and Neighbourhood Mosques said: “We oppose the widening chasm between the Muslim community and other European citizens that has incited hatred and fear of Islam, due to these irresponsible acts [the publication of the satirical cartoons].”

5.49 It is important to note that at the Council of Europe’s Committee on Culture, Science and Education in Paris on 18 May 2006 it was widely acknowledged that the cartoon crisis had been manufactured subsequently by the later circulation of cartoons deliberately doctored to make them more offensive to Muslims.

5.50 EU foreign policy chief, Javier Solana signalled that the EU might be supportive of forbidding blasphemy, stating “We are working on some ideas. I cannot be very precise, but we are working on some ideas that maybe it is possible to get through,” according to Reuters. Deutsche Welle quotes Mr Solana’s spokeswoman Cristina Gallach as saying “They want mechanisms to guarantee this [cartoon “crisis”] is not repeated and we should be able to find it in UN conventions on Human Rights.”⁵²

5.51 The editor of the Danish newspaper that first published the controversial prophet Mohammed cartoons said the media was giving Muslims special treatment as a result of the subsequent uproar. “It turned out that the freedom of the press crumbled much more quickly than I thought. It seems to me that the freedom of the press the world over is being limited as Muslims are being given special treatment,” Jyllands-Posten editor Carsten Juste told the Danish daily Kristelig Dagbladet⁵³. “The result is that these privileges are going to be extended even further,” Juste warned, saying he was “very ill at ease with what is happening at the moment”.

5.52 Juste said religious belief was a private matter, but it had entered the public arena like never before. “Now we have to be careful about things we never thought we would have to be careful about,” such as writing about the oppression of women in Muslim societies.

5.53 Meanwhile, an Iranian government minister has demanded that the European Union ban the publication of caricatures that satirise “holy figures” of any religion, including the allegedly offensive Prophet Muhammad cartoons: Iranian Foreign Minister Manuchehr Motaki told a news conference in Yerevan: “Today I will hold negotiations over the phone with the foreign minister of Austria, which currently holds the EU presidency. During the conversation, I will suggest including the issue of respect for all prophets of any religions in the EU agenda.”⁵⁴

“The publication of the caricatures satirising the Prophet Muhammad in the Danish press is an indication of religious intolerance.” said Mr Motaki. Mr Motaki said that he thought the cartoons, “are intended to cause a collision of civilisations.” His self-righteousness takes on a grotesque irony when matched

with the concomitant announcement from Amnesty International that Iran was planning to execute two teenage girls who fought back against rapists⁵⁵.

Abdullah Gul, the Turkish foreign minister, sparked disagreement among his EU counterparts at a meeting in Austria, when he called for “European nations to review existing laws, to ensure they outlawed the ‘defamation’ of all religions”.⁵⁶

5.54 The British Government and monarch were attacked in June 2007 following the award of a knighthood to Salman Rushdie, author of *The Satanic Verses*⁵⁷. According to *The Times of India* “It was [the] knighthood to writer Salman Rushdie, which has angered many radical Islamic groups, that forced alleged bomber Kafeel Ahmed to execute the Glasgow airport attack⁵⁸. It was a major mistake of the UK Government to stand by while Rushdie was threatened with murder in 1988 and subsequent years for alleged defamation of Islam. No charges were brought against those who flouted the law so publicly.

5.55 Apart from the Salman Rushdie affairs, there have been several serious religious attacks on freedom of expression in the UK in the last few years. These have involved a satirical play involving Jesus Christ called *Jerry Springer - the Opera*, A Sikh play called *Behzti* and Hindu paintings. In each case criminal acts were committed by the protesters but none were prosecuted.⁵⁹ We believe the absence of prosecution was either because those committing the acts were allegedly doing so in the name of religion or that there was undue sensitivity not to upset the relevant religious community.

5.56 And these events seem skirmishes compared experiences in the Netherlands, such as Van Gogh, Fortuyn and Hirsi Ali, too well-known to need detailed repetition here.⁶⁰ These attacks frighten some people into silence even to a degree of submission, particularly on any matter displeasing to Islamists.

5.57 Although individuals are behind some of the events, it is difficult not to conclude that these attacks are part of a wider strategy which has seen freedom of expression on such matters deteriorate to an astonishing extent in just a decade. We believe that the rate of these attacks is increasing and that Christians are being led on to be more intolerant and litigious as a result of watching minority religions inflicting criminal damage and preventing the continuance of the events. We are convinced that this is already provoking a mounting tide of self-censorship so destructive to the democratic process and indeed western values themselves.

5.58 There has been in 2007 however some limited sign of a counter-reaction, of a refusal to be muzzled. This delicate flower needs to be nurtured and the Council’s continuing efforts in this area, are a shining beacon of which it can justly be proud.

The education of children

5.59 We note with concern growing difficulties with integration in Europe’s increasingly multi-cultural or multi-religious society. We believe this will present one of the greatest challenges to Europe in coming decades and will need much more fundamental action than inter-religious dialogue, in particular a reconsideration of the dominant role of religion in public life, especially in education. In the UK the debate is polarized between the overwhelmingly

majority of the public who wish to see an end to the segregation of schoolchildren on religious grounds, and religious organisations (and sadly the present government) that insist that religious segregation in childhood is the best route to social integration in adulthood.

5.60 Governments appear to overlook the key point that religious organisations have a vested interest in promoting religiously segregated education (and all the more so if it can be achieved at the expense of taxpayers as a whole). They wish to maximise the number of adherents from each emerging generation; it is well known that exposure of religious concepts to immature children is the most “effective” way of indoctrinating them. Moreover, such institutions provide religious organisations privileged access to parents, with obvious benefits – perhaps the greatest being a source of additional finance.

5.61 We also see the emergence of separate publicly-funded education for minority religions (with overwhelmingly minority ethnic adherents) as a major threat to cohesion. On the other hand, we note understandable feelings of resentment of adherents of minority religions if denied equivalent privileges to those enjoyed by Christianity, for example in the provision of state-funded or subsidised schools.

5.62 The indoctrination of schoolchildren with religious conviction of the “one true faith” is the surest way to indefinitely perpetuate separateness between different peoples, or, at the very least, to discourage the level of integration. Almost all religions inculcate the idea that it, its doctrine and its adherents are superior to all others. In some instances (e.g. Anglicanism) the effect is a mild (but misplaced) sense of superiority amongst a proportion of believers, or in the case of many evangelicals that those not “born again” are destined for Hell. In other cases (even among Abrahamic religions) it is manifested as a conviction that infidels are outside the chosen people or group, are unworthy and should be shunned or regarded as unclean or even worse. Middle-East politics provide copious examples every day, and, sadly, Europe is not immune from less extreme forms of these conflicts.

5.63 Whether or not children in religious schools are actively taught to these “truths” (and we are sure they are in some cases), many will absorb these ideas and act accordingly in adulthood.

5.64 It was far-thinking of the European nations to have the forethought to build joint, cooperative institutions, such as the Council of Europe and the precursors of the EU to encourage co-operation rather than enmity. Imagine now, if the children of Jews and Muslims were taught that all people are equal and that a belief in inequality brought only suffering and destruction. Perhaps, in a generation, the Arab/Israeli conflict could be genuinely solved. A similar point could be made about Northern Ireland. While a political settlement appears to have been reached, a disturbingly high proportion of those across the sectarian divide are still educated in segregated schools and can be along way into their adult life before ever even having a conversation with someone from the opposite camp. In Northern Ireland mixed marriage is rare: only some 5% of Catholics marry non-Catholics, according to the BBC⁶¹.

5.65 Research undertaken by Professor Irene Bruegel of London South Bank University shows how the best and probably only way of ensuring cohesion among children is with schools where children from all ethnicities grow up together. Unless this is embarked on at a very early stage it hardly works, but if it is done early the effects are probably life-long. Attempts to improve cohesion by segregated schools (such as correspondence clubs, visits and joints sports) are at best ineffective and can be counter-productive. We commend this research which is reproduced in Appendix D.

5.66 We are convinced that the best single action to avoid future conflict would be to abandon the establishment of any minority ethnic or religious schools.

A common thread

5.67 There is a thread that runs through these topics. Whether in the harsh enforcement of archaic codes of behaviour, the waging of war in which religion is at the very least a marker, inhumane rituals, the covering-up of child abuse, or the suppression of scientific progress and free speech, the common thread is that religious practice and its demands - which are questionable under the declaration of Human Rights,- are often allowed to remain unchallenged and sometimes even allowed to increase.

5.68 While unfortunately not against the Human Rights conventions we also draw attention to our regret about the indoctrination of children in confessional 'lessons' and worship in publicly funded schools at an age when they do not have the capacity to make up their own minds.

The Danger for the Council of Europe

5.69 The greater the formal involvement of religions with the Council, the greater the danger will be that Human Rights will be compromised, leading to the kind of problems that have befallen the UN. As religious influence becomes ever more embedded in EU institutions it is difficult to see how, in the future, resolutions could be passed such as the April 2007 resolution against homophobia in Europe, a resolution which Vatican officials criticized.

SECTION 6: SECULARISM

6.1 We have heard much criticism in the last year from religious leaders who claim that secularism is *per se* anti-religious. The Pope has called for co-operation amongst Christians against secularism in Europe⁶². A former Archbishop of Canterbury has said that society has been badly damaged by "strident secularism" and urged Christians to be stronger in defence of their faith⁶³. The present Archbishop of Canterbury has referred to "... the enormous dangers of a dominant secularism, a denial of the public visibility of religious commitment and its role in managing and moulding social identity ..."⁶⁴

6.2 What they are really railing against is the opposition by secularists to religious privileges enjoyed by religion but denied to others. The other side of that coin that they chose to ignore is that secularism (as in France and the USA, for example) guarantees freedom to believe, to manifest religion or change

religion, something theocracies, with their appalling Human Rights records, do not. Glaring examples are known to us all.

6.3 We have also heard religious leaders repeatedly blaming aggressive secularism for the world's ills. Nazism and Stalinism have both been cited as examples of secularism. But these examples are wide of the mark, and it is even questionable whether both were even entirely atheist. The state atheism of Stalinist Russia was as far removed from secularism as Nazi Germany. The key point is that both Stalinism and Nazism were ideologies run by dictators. Nor can it be argued that either Stalin or Hitler were strangers to religion. Stalin was in a seminary for several years and the Nazi uniform included "Gott mit Uns" emblems. Mein Kampf includes religious references and the vast majority of those working in the concentration camps were devout Christians. We conclude that inhumane acts are neither confined to the religious nor non-religious.

6.4 Religious leaders blame secularism for the loss of religious influence. The cause however clearly rests with the churches themselves. It is not secularists standing in picket lines outside churches on Sundays that are causing the plummeting church attendance. Citizens see religious organisations as increasingly out of touch. Much of the religious activity and intolerance we have drawn attention to above alienates the population from the churches. We can understand the frustration of religious leaders at secularists pointing out the lapses (or worse) of religions from Human Rights.

Secularism, atheism and the "public sphere"

6.5 A basic tenet of secularism is that national governments and international bodies such as the Council of Europe should be constituted of delegates freely elected by universal suffrage with no (in effect, duplicate) representation by particular interest groups. This is because elected representatives will already represent the evolving mix of religion and belief of the constituencies from which they are drawn. Any such, representation skews the organisation and its policies towards the aims of that interest group, to the disadvantage of others. Such a system is patently unfair. Religious organisations are interest groups. They have gained and continue to gain representation in governmental organisations. The religious were quick to call for a conference on the religious aspect of intercultural dialogue, but there was no equivalent on the non-religious aspect, far less of those who are liberal believers or non-practising. And even though it was known that these latter groups would not have their own conference they were also woefully underrepresented, especially on the platform, at San Marino. Because the religious have had, and continue to have, hugely more influence within government than any other interest group, it is unsurprising that secularists have to concentrate on drawing attention to, and seeking to eliminate, privileged religious influence and privilege in governmental matters. The areas they find this most necessary are in government, public policy, legislation, state education, social services, law, even public health, freedom of expression and in access to public funds.

6.6 Despite claims by religious leaders to the contrary, secularism is not by definition atheistic. Many secularists are atheists, but secularism includes amongst its numbers many religious believers who agree that civil government

must be the preserve of elected representatives. Catholics for a Free Choice is one such organisation which we hold in such esteem as to include one of their papers as an Appendix. Despite claims to the contrary, we affirm that secularists fight for the rights of all to believe what they wish (but also for people to change or abandon their religion without penalty) and to the right to manifest their religion, providing in doing so they do not infringe on the Human Rights of others.

6.7 Secularism supports the rights of the individual to hold and express religious belief. This stands in stark contrast to those religions for which non-belief, heresy or apostasy has been, or continues to be, forbidden and subject to appalling punishment.

6.8 Recently it has suited the rhetorical purposes of religious leaders to claim that the secular aim of removing religious influence and privilege from the public sphere means that all public practice of religion would be banned, and that religious leaders would be barred from expressing views on any matter of their choosing, including public policy. This is a complete misrepresentation. Secularists call only for restrictions on the undue influence discussed above.

6.9 Another recent tactic of religious leaders is to claim that secularism is just another faith. This is a false proposition. Faith represents the belief in dogma, even in the face of evidence to the contrary. Secularism is at its heart rational. As can be seen above, secularism does not take the position that religion should have no place in the public sphere but demands equality of treatment for all without special privilege for, or discrimination against any belief.

6.10 Secularism, by offering a level playing field for all, religious believers and non-believers alike, provides the best guarantee of religious freedom for all. It holds that religion must stand on its merits, and not be sustained by sponsorship from, or unfair advantage in, the public sphere. None should be either advantaged or disadvantaged by virtue of their religion or belief (including non-belief).

SECTION 7: SUMMARY

7.1 We all seek greater social cohesion in Europe. But never has that cohesion been under greater strain in the Council's history than now. In 1946 the Council's founding nations were overwhelmingly Christian. But that cannot be said of the states that have joined since, nor indeed can it be said any more of the original ten. Christian adherence is in steep decline. Islamic practice is spreading and leading the shift amongst all religions towards greater fundamentalism.

7.2 We contend that the Council has a duty to its citizens to robustly resist pressure for religious privilege and influence in order to foster Human Rights and equality for all. What is becoming as important is for international organisations to remain fiercely secular. The alternative is for them to become embroiled in religious battles in which their independence and effectiveness will be fatally compromised. We are optimistic that the Council recognises these dangers and hopeful that it will avoid them.

Secular Europe under attack from militant religion

Georges C. Liénard

A paper presented on 11th March 2006 to a conference organised in Brussels by AML with the title: "European secular, social and democratic values – Is it too late?"

Published in "Report on the 18th conference on secularism", edited by Eric Remacle, Cedil, Brussels, 2006.

Introduction

It is especially interesting that this 18th colloquium on secularism is focused upon a three-fold set of values: secular, social and democratic. Indeed, these attributes cannot be considered apart and it is difficult to describe a state as "secular" unless one is sure of their positive and inseparable existence. Europe must be subjected to the same critical scrutiny.

The subject of secular Europe's reaction to militant religion also involves an examination of what has been done in recent years by various agencies in defence of secular society in response to what can only be described as a veritable offensive by religious interests to regain power. It should be understood that what is in question here is not religion itself, nor those of religious faith, but the churches and their institutions, the clerical hierarchy which claims to speak for the faithful. We must make a clear distinction between church authorities and the many, many believers who do not accept the injunctions of their church and insist that they want to support secular society in the EU.

The debate

The early 1990's were a time for discussion and initiatives.

The purpose of the "A soul for Europe" initiative started and encouraged by President Delors was to open "*a wide-ranging discussion involving the churches and European religious and philosophical traditions*". This novel approach is expressed by the President in a letter to a meeting of interested parties concerned in the initiative as he left office in 1994.

The European Humanist Federation (EHF), the only non-religious organisation taking part, was a member from the beginning and took on the presidency for some ten years. There were several colloquia at which interesting exchanges took place with speakers invited by the various members of the initiative.

President Prodi created GOPA (Group of Policy Advisers), the brief of one member of which was links with faith and non-confessional communities. This person showed increasingly a lack of impartiality in respect of dealings with representatives from the churches and from the EHF

So it was that, in 2002, at the instigation of the EHF, the churches were asked to submit proposals with a view to the setting up of " a structured dialogue

between the churches and the EU commission.” In June the GOPA received the following response with these main provisions:

That there should be consultation with the President of the Commission before legislation.

That there should be regular working parties, with clear and specific briefs to discuss matters of interest to the churches, particularly as regards legislation.

That from time to time there should be working meetings between the President of the Commission and high-level representatives from the churches.

That the churches open a bureau de liaison inside the commission services with a view to setting up a partnership with the Commission

The note makes clear that this formalised structural link inside the Commission premises should allow the consultation of the churches on pending legislation.

The proposed constitutional Treaty would be the instrument for this achievement under the pretext of inclusive democracy and free exchange of views, principles widely accepted which no one would question.

If we look back we can identify the subtle development of this clever ploy, the object of which is to allow the churches to intervene directly in EU decision-making.

The “For the Future of Europe” convention

Part of public opinion, wedded to the principle of free discussion and the non-interference of religion in public life, was alarmed to hear that the churches were demanding there be included in the preamble to the Constitutional Treaty a reference to God and the Christian heritage of Europe.

“A reference to God must be included in the European Constitution”. “The European heritage and its spirit must be preserved,” declared the Commission of European Bishops’ Conferences (COMECE) on 28 November 2002, adding that President Prodi had shown himself “very open” to a reference to God being included. In fact, it was more a symbolic than legal matter, but which nevertheless gave rise to an indignant reaction from people in many member states and at last made clear the extent of clerical ambitions.

However, a more detailed document issued by COMECE (21st May 2002) “*The future of Europe, political involvement, values and religion*” was almost unnoticed when it appeared but, more seriously, was considered in intellectual circles as of no interest or practical import.

Its purpose, however, was the formulation of the a plan for political involvement on the part of COMECE, the European branch of the Catholic church and of the Holy See, for while setting out in detail *how it was possible for the churches to influence the development of European society and government* COMECE was making its objectives clear.

“The treaty should also allow the possibility of a structured dialogue between European institutions and the churches and religious communities...A future European constitutional treaty should incorporate Declaration No 11 of the Final

Act of the Treaty of Amsterdam which guaranteed respect for the status of the churches and religious communities registered by each state.”

A year later, in April 2003, the churches' efforts were met with success with the introduction of Article 37 which is now Article 52 of the draft Treaty, "Status of churches and non-confessional organisations" and its famous Section 3, "*Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations*".

An extensive media campaign on the symbolic value of reference to Christian heritage, God and religion in the preamble was undertaken at the highest levels of the Christian hierarchies, including those from countries who were not EU members, like the Russian Orthodox church, while remaining silent as to their political motives. Many supporters of secularism were drawn into the debate, but focused more on rejecting the symbolic value than the political objective, which meanwhile the churches were actively pursuing.

Of course, one can understand why the church should want to introduce references to God and to Christian heritage into a document of the standing of the EU Constitution: it would thus legitimise future similar manoeuvres to maintain its heritage.

Article 52 gives the Catholic church, through the mediation of COMECE, what the Holy See had demanded at the Turin inter-governmental conference of 1996, but which it had not succeeded in obtaining, the Council of Europe having made clear that the Holy See was not a member of the Union. This episode divided the political world, but the give and take of the political game weakened the opposition and determination of those against the insertion of Article 52. Only the Belgian government made known its opposition in writing to the Italian presidency of the Union.

Participatory democracy

The draft treaty states clearly, in Section VI, "*the democratic life of the Union*", that "*the Union functions on the basis of participatory democracy*" (Article 46). Article 47 in its wording is the counterpart of Article 52, "*Institutions should maintain an open, transparent and regular dialogue with representative associations and with civil society*".

While the churches insist that they belong to civil society, Article 52 is distinct from Article 47 in the way the process of dialogue between institutions and other sections of civil society is envisaged. It confers upon the churches a specific right of regular consultation on a very wide range of subjects in which they declare an interest, but separately from associations of civil society actively concerned in the same subjects.

Certainly, the European Commission is free to consult whomever it pleases, but it should nevertheless be noted that the privileged channel of communication given to the Churches is far from being in accord with the objectives of participatory democracy, "*institutions shall by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.*" (Article 47 section 1).

Several terms are important in this article of the Treaty: “*representative*” associations, “*publicly*” exchange and “*in all areas of Union action*”. Thus there are no areas that would escape public discussion, but above all “*representative*” associations are key. In the democratic process, the representation of citizens carries a meaning such that it must be asked whether it is appropriate to apply it to churches, particularly the Catholic church. The criteria for proper representation that European institutions rightfully demand of civil associations, ONG and others, could not apply to churches, which are not organised in a democratic way.

Without passing judgment on the manner by which the Union proposes to organise the direct participation of citizens in political decision-making, it is noteworthy that the churches have managed to use the channel of “participatory democracy” established by the draft Constitutional Treaty to award themselves direct and regular access to the services of the European Commission, without meeting the requirement for the representation of citizens. In these circumstances, it is not possible to subscribe to the theory asserted by certain people that there is a new approach to relations between the churches and public bodies, in the framework of a so-called modern and open secularism.

The “theo-conservative” offensive

From 1970 onwards, the Vatican conferred upon its nunciature in Belgium the duty of representing it with the European Institutions and, in 2005, Pope John-Paul II appointed an apostolic nuncio to the European Union. Since the Vatican was not a member of the Union and moreover had not signed the Human Rights Convention, which is necessary for joining, the Commission of Episcopates of the European Community (COMECE) was created in 1980. This body became in a way the churches’ European executive with an important office in Brussels.

Pope John-Paul II’s objective was the reconquest of a Europe deemed to have lost its moral values and his reference was not so much to religion as to “*natural morality*”. This was a new development designed to gain support from non-religious elements.

Moral reconquest must involve everybody and so as religious affiliation was in decline it could no longer serve sufficiently as the force needed to realise a programme of developing “*the rights of the person*”, the moral principles and the “*universal values*” that the church defends, those concerning the family, ethical questions, homosexuality, human reproduction, the beginning and the end of life...

In this vast undertaking, the Catholic church, having a long experience of using strong-arm tactics with the powers that be, was careful to place loyal servants at every level of power. Often with a lot of skill, these people sought to favour the position of the churches in general and of the Catholic church in particular, which would see its various demands well placed to succeed wherever possible.

The white paper for government

The White Book “for European governance” (2002) raises several matters concerning civil society, in particular *“the question of citizens taking a more active part in realising the objectives of the EU and their having a structured means of expressing their reactions, criticisms and protests”*. However, into the chapter dealing with the involvement of civil society in the process of governance a short sentence is slipped in which has received little attention, *“Churches and religious communities have a specific contribution to make”*.

Asked what exactly this *“specific contribution”* might be, one of the senior editors of the White Book made this surprising statement: that the sentence referred to the ex-communist candidates for membership, countries where religious practice had grown. The introduction of this apparently anodyne sentence was paving the way for the demands the churches would make, to which we have earlier referred. This incident shows the organisation and coordination of those concerned.

Lobbying in Parliament

“In Strasbourg, Catholics and Protestants organise discussion lunches for European parliamentarians, occasions on which they make the informal contacts so useful in subsequent lobbying. The director of OCIFE (the Jesuit information centre) claims that in that way they know half of the members of the Convention,” writes B. Massignon in an analysis of the situation.

Euthanasia at the Council of Europe

Another illuminating example is Recommendation No 1418 (1999) of the Parliamentary assembly of the Council of Europe on *“the protection of Human Rights and the dignity of the incurable sick and the dying.”*

The introductory report presented by Edeltraud Gatterer (Austria, PPE/DC) is a one-sided and partisan presentation of the views of a section of the Catholic religious hierarchy. An examination of some extracts makes that clear: *“requests made to health professionals for [voluntary] euthanasia or assisted suicide are not legitimate and should not be granted”,* again *“ending the lives of the incurable sick or the dying is not acceptable, in the same way that capital punishment is not acceptable, and is contrary to the right for life guaranteed in Article 2 of the European Convention of Human Rights.”*

The recommendation to the Committee of ministers of the Council of Europe ends with these words:

-“so that the expressed desire to die on the part of a person who is incurably sick or terminally ill could never constitute a legal defence for someone facilitating his death;

-“so that the expressed desire to die on the part of a person who is incurably sick or terminally ill could never serve as a legal justification for actions committed which led to his death.”

We have here a blatant condemnation of euthanasia that takes no account of people’s expressed wishes. In this example, an Austrian parliamentarian (PP E) was used by the church as a proxy to advance its doctrine.

The Pope's Candidate

Let us recall the abortive attempt to install Buttiglione, a close ally of the pope as European Commissioner in charge of the Commission for justice, freedom and security. Given his public pronouncements to the European Parliament on the family, homosexuality and other sensitive subjects, it is not difficult to imagine with what openness of mind and what zealous propaganda would have carried out his brief. It is for this reason that his candidature was rejected by the European parliament.

Concordats

The Vatican "State" has succeeded in signing concordats with fifteen EU countries. These have the force of international treaties. For the first time, the report (December 2005) of the "Independent Network of experts in basic Human Rights" of the EU is examining discriminatory elements that the concordats are introducing as regards Human Rights. This report is the result of an enquiry set up by a multi-party working group of European parliamentarians campaigning for the separation of religion and politics.

Discrimination and lack of impartiality

Discrimination is apparent in the special arrangements allowed in certain European directives. The directive guaranteeing "*equality of treatment at work and in employment*", which implements an important article of the treaty on non-discrimination, allows exceptions in employment "*when the professional activities of churches or other public or private organisations whose ethical values are drawn from religion or belief...*". Although the wording makes clear that it is necessary that *religion or belief constitutes an essential and legitimate professional requirement, justified with reference to the organisation's values*", there is nothing to stop this special exception to discrimination in employment being used in a wide range of professional services, like education, health and all the other public services run by religious organisations, usually with public funding.

Other examples could be cited and would amount to a long list showing the lack of impartiality in a number of situations. V. Giscard d'Estaing on being elected President of the Convention "For the Future of Europe" hurries off to Rome to meet the Pope. Prodi, in his capacity of President of the European Commission, supports and takes part in a pilgrimage to Compostella. Commissioner Figel lands a subsidy of 1.5m Euros to underwrite a rally of young Catholics, on the occasion of the Pope's visit to Cologne in August 2005, after the European Parliament had previously refused to fund the event.

The Responsibility of Politicians

If the churches succeed in having the articles of their traditional morality written into European documents, one day member states will find themselves bound to express the effects of that morality in their national legislation. In this respect, it must be said that there is an astonishing short-sightedness on the part of a great many politicians, both in the EU institutions and in the member states.

These politicians persist in favouring the churches as a means of “(giving a sense of direction”), making sense of life whereas the European people as a whole no longer look to the churches for guidance in their lives, because they see their teaching as completely at variance with modern life.

However, MEP’s have understood the risks and are trying to develop policies that will be acceptable to people of widely differing beliefs and convictions.

Two opposing ideas

Reactions in various quarters to the main aspects of the clerical offensive have shown clearly that there have emerged two opposing ideas as to how European institutions should be run. As a crude generalisation which needs stating in greater detail, on one side there are the supporters of secularism, for whom laws must be man-made, and on the other those who hold fast to God’s law, but partisans in the two camps are no longer the same as they used to be.

No citizenship without God as a part of it, such is the article of faith of the churches. *“The values and conditions upon which a community is founded transcend particular political or legal decisions. They are fount of fundamental rights.” (COMECE 2002)*

In other words, man-made law is not enough for, as the Portuguese bishops put it, *“all Christians belong both to the community of believers and are members of human society”*.

Churches frequently invoke religious freedom when they meddle in politics. Indeed religious freedom is one of the Human Rights the churches have taken over. Broadly, they serve as rallying points for those who oppose divorce, abortion, euthanasia, gay marriage and atheism...as well as ordinary religious fundamentalists. Conservative elements, not necessarily because they belong to a religion, support these positions at a political level.

Many believers distance themselves from all this and contest the power of the churches and reject their claim to speak for them. We are witnessing an important development that is taking place in the religious sphere between the hierarchy and church members. The old distinction between believers and non-believers, the former supporting the churches and the latter opposing them by various means, between the partisans and enemies of a secular society, has quite broken down. On a number of occasions, at both EU and national levels, at press conferences and in policy statements on most of the matters under discussion, representatives from faith groups have found themselves in agreement with their counterparts in non-confessional organisations.

Such collaboration is not new. Groupings of Christians and secularists have already come together to seek a way forward on issues having a strong ethical dimension, such as abortion, Human Rights, etc...Existing alliances are characterised by mutual understanding without any proselytising intention, both on the part of secular, non-confessional organisations and that of faith groups. Wherever we look, sincere hands of friendship are extended. In complete candour everybody shares the values of secularism and the separation of religion and of politics in the member states. That is no doubt why the EU Commission does not seek the views of these religious groups but prefers a

dialogue with the churches, religious orders and other “direction-giving” movements, like the Church of Scientology.

The secular state

The old opposition of throne and altar on the one hand and the supporters of social democracy on the other, which had almost disappeared or at any rate lost its force in many European countries, is being revived in EU institutions. As in the past, it is the idea of democracy itself, of government by the people for the people, that is again in question.

It is once again proposed that the principles of civil law should be inspired by God, for whom the churches are the spokespeople, as they “give a sense of direction” to the actions we take.

In this context, it is appropriate to take a closer look at secularism itself. The idea of secularism has taken many forms, whether in the way it is understood by its enemies, who use the word only to undermine its principles, or by its defenders or by those for whom it is a matter of no consequence.

Let us first of all consider this latter group. In the press the adjective “secular” is frequently used to denote a person or state that has no direct dealings with churches or priests, and that does not link religion and politics. Presidents Saddam Hussein, Bourguiba and even Stalin would fall into this category and would qualify as secular.

For the same reasons the press describe Iraq, Turkey and the former USSR as secular.

The only criterion that stands out here is the apparent absence of a link between religion and the political system. The model of secularism based on this fallacious view is simply the rejection of religion, without reference needing to be made to democracy, the equality of the sexes, and respect for Human Rights...

Those from Latin countries who argue in defence of secularism (the word has no exact equivalent in the Anglo-Saxon world) understand a relationship defined by historical events and fixed by a political compromise reached long ago and not now considered open to question. A single and sufficient requirement of this version of secularism is that in order to keep Church and State separate it is enough that the clergy should not be subsidised. Such a limited requirement reduces secularism to an unappealing caricature. There is not and could be a definition of secularism upon which all would agree.

The strategy of the enemies of secularism is subtle. It consists in claiming to be in favour of it while undermining its principles. Secularism without God or religion (according to the churches) is pure hypocrisy. Academics and theologians write that secularism will force religion into the private sphere, some even indulging the fantasy that public prayer will be outlawed. *“The Church refuses to accept the idea that religious faith is purely a private matter”* (Portuguese bishops 2000). *“Tolerance that accepts God as a private opinion but excludes him from the public domain, from the real world and from our lives is hypocrisy not tolerance.”* (Benedict XVI, October 2005)

So a version of secularism would have to be defined which rejected *“those who restrict religious practice to the private sphere and who by doing so show ignorance of and deny true religious convictions”*. (Mgr Migliore speaking at the UN)

“Modern, open, inclusive, conciliatory” – such adjectives used in connection with secularism are frequently to be found in the documents, speeches and policy statements of those who can no longer deny in public its positive and conciliatory qualities, qualities which they nevertheless want to subvert in pursuit of their clerical ambitions in Europe.

It is certainly appropriate here to refer to Article 19 of the Belgian constitution: *“Freedom of worship, public practice of the latter, as well as freedom to demonstrate one’s opinions on all matters, are guaranteed, except for the repression of offences committed when using this freedom.”*

The same freedoms are enshrined in the terms of Article 9 of the European Convention of Human Rights, signed by all the states (except the Vatican), namely *“liberty of thought, conscience and religion”*. The Convention is not only no threat whatsoever to religion but on the contrary guarantees protection to its public expression and display.

Many are thus confused, some wilfully so, as to the secular nature of the agencies which have the responsibility of leading the EU to develop democratic and impartial institutions based upon the sovereign will of its citizens and the equality of treatment of different beliefs, including the convictions of atheists and agnostics. It is important that the institutions do not serve the interests of religion or attempt to let it influence public matters, both as regards political decisions and in the official structures they set up.

Impartiality in the exercise of liberty, equality of treatment, sovereignty of the people and shared values are concepts that most of the citizens of Europe understand and can accept. They are the result of a long exposure to secularism.

It is incumbent upon all who value the secularity of public institutions not to *“despair of Europe”* in this respect.

Islamists make UN Human Rights body unworthy of its name

In April 2007 the United Nations' Human Rights Council condemned "defamation" of religion, and called upon member states to ban literature and other materials containing "racist or xenophobic ideas" that might lead to hostility against religious groups – although Islam is the only religion mentioned in the resolution.

Islamic states joined with Mexico, the Russian Federation and China in supporting the measure which passed 24-14. There were nine abstentions. The Human Rights Council resolution expressed concern at "negative stereotyping" of religion, and excoriated "attempts to identify Islam with terrorism."

The Council delegate from Pakistan, who also represented the Organisation of the Islamic Conference, declared: "The resolution is tabled in the expectation that it will compel the international community to acknowledge and address the disturbing phenomena of the defamation of religions, especially Islam."

News observers suggested that the resolution grew out of violent protests by Islamists over the Danish cartoons published in September 2005 depicting the prophet Mohammed. Muslims, backed by Christian, Jewish and other religious groups, condemned the drawings and called for anti-blasphemy legislation. In 1989, similar protests spread through the Arab world, Asia, Europe and even the United States over the publication of Salman Rushdie's book *The Satanic Verses*.

These incidents have fuelled a debate over the status of religion in modern society, and raised calls for the return of blasphemy statutes aimed at protecting religious groups from "hurtful" or defamatory remarks of any kind. Proponents debate how far such legislation should go, however. The U.N. resolution only mentions Islam, but representatives of other faiths have called for similar protection of all religions.

Indeed, some Human Rights Council members expressed disappointment that the resolution did not explicitly cover "defamation" against all religions. According to a U.N. press release, delegate Carlo Alvarado from Guatemala said that his nation "condemned defamation of religions and any practice incompatible with the preservation of fundamental rights and freedoms," but grumbled that the draft resolution "was unbalanced and gave importance to one single religion over all others."

Similar sentiments were voiced by Munu Mahawar of India who repeated the claim that the resolution focused only on one religion, while "all religions were facing the problem of defamation in one form or another."

None of the representatives took a position aggressively defending the virtues of free expression and secularism. The nearest we got to this came from Birgitta Siefker-Eberle of Germany who said that an "on-going dialogue" was the best way of resolving differences, and that it was problematic to reconcile "defamation" with discrimination.

Representatives of 24 countries voted in favour of the controversial resolution: Algeria, Azerbaijan, Bahrain, Bangladesh, Cameroon, China, Cuba, Djibouti, Gabon, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka and Tunisia.

There were 14 opposing states: Canada, Czech Republic, Finland, France, Germany, Guatemala, Japan, Netherlands, Poland, Republic of Korea, Romania, Switzerland, Ukraine and the United Kingdom. Abstaining from the vote were: Argentina, Brazil, Ecuador, Ghana, India, Peru, Uruguay and Zambia.

Roy Brown, the main representative of the International Humanist and Ethical Union, in a statement to the Council said: "On 14 March the representative of the Organisation of the Islamic Conference referred to what she described as 'a dire need to fill the judicial vacuum of deficiency in dealing with the question of respect for religions...'" and asked for "effective and legally binding measures for combating defamation of all religions and incitement to racial and religious violence".

"This however is to confuse two quite separate issues: defamation of religion, and incitement to violence. All of us, Mr President, must condemn incitement to racial and religious violence, and in this connexion we hope that the OIC will condemn the death threats made last week by Islamic extremists against the Bengali writer Taslima Nasrin.

"Mr President, no-one has a duty to respect any religion. Furthermore, lack of respect for a belief should not be confused with hatred of the believer. It is the believer that merits protection, not the belief.

"And how are we to define defamation? Are we no longer to be permitted to condemn misogyny, homophobia, or calls to kill - if they are made in the name of religion? Are we obliged to respect religious practices that we find offensive? Is lack of respect for such practices to be considered a crime? Are ideas, are religions now to be accorded Human Rights? Surely, when religion invades the public domain it becomes an ideology like any other, and must be open to criticism as such. To deny the claims of religion is neither defamation nor blasphemy.

"Finally, one can only express dismay at the demonising of European secularism by the Special Rapporteur on contemporary forms of racism. He clearly fails to understand that secularism – that is, state neutrality in matters of religion and belief - is not an expression of intolerance but a guarantee of religious freedom for all, a defence of the values on which our Human Rights are based, the very values that this Council should be seeking to protect."

**Concern about Article 52 of the draft EU Constitution
(and also the “operation” and mis-operation of this Article, yet to be
brought into force)**

Open letter dated 6 June 2007 to letter To: The Honourable Angela Merkel, President of the European Council Jose Manuel Barroso, President of the European Commission and Hans-Gert Pöttering President of the European Parliament.⁶⁵

Dear Mrs Merkel, dear Mr Barroso, dear Mr Pöttering,

Freedom of religion and freedom of conscience are fundamental rights. This means not only that Europeans are free to exercise the religion of their choice, to change religion or not to have any religion at all, but it also means that EU institutions are strictly neutral with regard to religions and non-confessional organisations. In this spirit, Article 52 of the draft Constitution foresees an open, transparent and regular dialogue with churches and non confessional organisations.

On May 15th, for the third year in a row, a meeting took place between yourselves and religious leaders on the subject of "Human dignity".

Though recognising the value of meetings with various representatives of civil society, including churches and religious organisations, we are nevertheless concerned that the dialogue is increasingly unbalanced. Firstly, several meetings have taken place with religious leaders at the initiative of President Barroso, and President Pöttering has extended an invitation to the Pope to address the European Parliament. However, representatives of non-confessional organisations - such as the European humanist organisations - are systematically being ignored, or invited only after repeated requests. Thus, on your watch the three main EU institutions do not practice the neutrality they are required to, nor is it in line with the principles set out in Article 52 of the draft Constitution. Many Europeans, notably non-religious people, are not represented in the dialogue the way you have organised it. It is striking furthermore, amongst your selection of twenty religious leaders, there is not a single woman.

Through parliamentary questions and a plenary debate in the European Parliament, we have repeatedly called for a dialogue to be inclusive (i.e. religious as well as non confessional organisations), to take place in public with an agenda that is published beforehand, in full transparency, analogous to the dialogue with other civil society organisations.

Finally, with regard to the agenda of the Article 52 dialogue, we suggest it also addresses the role of religion with regard to discrimination of women and LGBT people or restriction of religious freedom.

By way of this open letter we would like to invite you to engage in an open discussion on this very important issue.

Yours sincerely,

On behalf of the EP Working Group on the Separation of Religion and Politics,
Sophie in 't Veld, Chair, Magda Kosane Kovacs, Vice Chair, Karin Resetarits,
Vice Chair

Source (with permission)

<http://www.seechange.org/what's%20new/article52briefingreport.htm>

Catholics For a Free Choice – Europe

Article 52 of the European Constitution

ARTICLE I-52: Status of churches and non-confessional organizations:

- 1. The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.*
- 2. The Union equally respects the status under national law of philosophical and non-confessional organisations.*
- 3. Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations.*

- Treaty establishing a Constitution for Europe, October 2004

Background

In February 2002, with the accession of ten additional countries to the European Union approaching, a new body, the Convention on the Future of Europe, was charged with drafting a constitution that would define the rules for political life in an EU of 25 or more member states. The Convention was composed of a total of 105 delegates, representing the European Commission, the European Parliament, the governments and parliaments of the 25 countries concerned and nine observers from civil society. After 18 months of work the constitutional draft was submitted to the Council of the European Union (the main decision making body in the EU) for final approval by the governments of the member and accession countries. The Constitution was agreed by the European

Parliament in June 2004 and is now awaiting ratification by each of the 25 member states. This will be done either by an act of parliament or through a referendum.

A major source of conflict emerged during the discussions about the new constitution regarding the role and rights of religious entities. The Constitution draft includes a “church” article (Article 52, but Article 51 in previous drafts) which grants significant and unique privileges and rights to religious denominations and makes them exempt from some European laws and regulations. The Catholic church strongly backed these measures. As a result, there was intense lobbying by the Catholic hierarchy throughout the process, including Vatican audiences with high European officials. John Paul II received Valérie Giscard d’Estaing, president of the Convention, Pat Cox, president of the European Parliament, Tony Blair, prime minister of the United Kingdom, Joschka Fischer, German vice-chancellor, and others. He summoned the ambassadors of member states who are accredited to the Holy See to a meeting to inform them of his wish to have certain elements included in the European Constitution. The lobbying was strong at the national level, too, where the national bishops’ conferences used their many formal and informal structures to pressure their governments and their countries’ delegates to advance the church’s concerns.

The Vatican’s Objectives

The Vatican wanted five points to be included in the Constitutional Treaty. The three central ones were:

- **The recognition of the “institutional dimension” of religious freedom.** The Vatican argued that full religious liberty comprises three dimensions: the individual dimension, namely the right to choose one’s system of beliefs; the collective dimension, or the right to associate with others to live out the precepts of one’s faith; and the institutional dimension, meaning the constitutional recognition that religious faith communities are also political actors in their own right, but in a specific form differing from other actors in civil society. According to the Vatican, the religious dimension embraces the whole range of human preoccupations and lends competence to the church in almost all matters, justifying a specific status, different from other civil society organizations. The main advocate of this point, besides the Vatican, was the German Catholic church, which already enjoys this status at the national level and would like to gain similar status within the EU.

This request was acknowledged in Article 52.

- **The recognition of an exemption from European law and regulations that the church considered to violate its teachings.** Religious freedom already grants the church the right to administer itself as a faith community, according to its teaching. This new right would institutionalise on a European level an exemption that grants the church the right to implement employment practices without having to comply with European policies and regulations that the church considers a violation of its teaching. This means that Catholic-run or affiliated hospitals, schools and social service projects would not have to respect EU

principles and laws on non-discrimination. In the name of “institutional religious freedom” and “subsidiarity” Catholic-affiliated projects could refuse to hire and could fire gay, lesbian, bisexual and transgendered people, and divorced and re-married people as well. They could also refuse to hire or fire people who publicly express disagreement with church positions on key policy issues, like contraception or abortion. Helmut Kohl, then Christian Democrat chancellor of Germany and an ally of the German bishops, succeeded in overcoming the resistance of the French delegates to have this right recognized and added to the Treaty of Amsterdam, the 1997 compact between the EU member nations outlining the foundations for an expanded EU in the 21st century. The Vatican’s desired language was annexed in Declaration No. 11—the first mention of the church in a European legislative document—and it allows for all organisations recognised as a church or a community of faith or conviction to be exempt from Article 13 of the treaty, which prohibits discrimination on the grounds of religion or sexual orientation. The Vatican sought to have this declaration promoted from an annex to an integral part of the new constitution.

This request was acknowledged in §1 of Article 52.

• **The institution of a specific consultative status for the church.** This would provide for the Catholic church to be consulted in the pre-drafting stage of legislation on a wide range of matters where the church feels it has expertise and for regular consultations at the highest level of the various EU institutions. The Catholic church wished to have a constitutionally granted voice in state affairs and demanded a permanent liaison office within the European Commission.

This request was acknowledged in §3 of Article 52.

The two other points desired by the Vatican concerned the **mention of God** and of **Europe’s Christian roots** in the Constitution. Although these requests are less important—even treaties signed today between the Holy See and specific countries no longer refer to God—they are a potentially dangerous precedent against the Human Rights of individuals. A political entity based on a social contract, the basis of political pluralism, is contrary to the idea of the divine foundation of authority. Only recently, a doctrinal note to Catholic policy makers released in January 2003 by Cardinal Ratzinger declared that the separation of religion and politics did not mean a separation of morals and politics. It asserted that the Catholic church has the divine, ultimate and legitimate authority to define the truth on morality and what is right in politics. It exhorted Catholics active in politics to defend the church’s positions without compromise, in particular on issues related to the family and to sexual and reproductive health and rights.

Current Catholic Church Access to the EU

The Catholic church is the only religious community to be represented in Brussels and, like Saudi Arabia, the United States, China or any other foreign country, is represented in person by an ambassador, the apostolic nuncio. Apostolic nuncios represent the Holy See, as a foreign political authority, not only in Brussels but also in each one of the member countries of the EU and of the accession countries as well. And each member country has its own

diplomatic relationships with the Roman Catholic church through an ambassador at the Holy See.

The apostolic nuncio to the EU is a member of the Commission of the Bishops' Conferences of the European Community (COMECE), constituted by the delegates, one per national bishops' conference, and is the body that seeks to be the institutional church interlocutor of the EU in the context of participatory democracy on the ground of Article 52. This means that, **through Article 52, and in the context of participatory democracy, the ambassador of a "foreign country" is claiming the institutionalisation of pre-legislative consultation and a special privileged status within the EU.**

Even without the aforementioned provisions, the church already has direct influence within EU institutions. Several European Commission officials regularly consult the COMECE when drafting legislative documents, as church agencies do have expertise on areas such as migration. In addition, it has become established procedure for COMECE to meet with the representative of the government that holds the rotating European presidency to exchange information and present the church's concerns.

Since 1992, the Commission presidents, all Catholics, have had a personal "adviser on religious affairs." As the former president of the European Commission Romano Prodi put it, "The policy of the Commission as regards the involvement of churches in the development of ever-closer union is to recognize their importance both in their own right, and as conveyors of opinion about it. For these reasons, the Commission maintains a permanent dialogue with them."

To date, all of these advisors on religious matters have been Catholic: Jérôme Vignon, Thomas Jansen and Michael Weninger. Thomas Jansen is a member of the Central Committee of German Catholics (Zentralkomitee der deutschen Katholiken, or ZdK). During the Convention, Jansen headed the cabinet of Göke Friedrichs, the president of the EU's Economic and Social Committee and one of the nine observers at the European Convention. Michael Weninger is a conservative Austrian diplomat who strongly supports the creation of some form of Directorate General for Religious Issues in the Commission.

Despite these avenues for regular, though informal consultation, the Catholic church's position is that it is not enough to be informally consulted, because non-codified rights are too volatile and depend on the goodwill of the individuals in office. "It seems important now to move on to a formal modus, obligatory for the European Commission, and no longer dependent on its goodwill," explained Rev. Pierre de Charentenay, former head of the Jesuits' Catholic European Study and Information Centre in Brussels. The church wishes to have "special status" within the EU. For the church, a consultative status that grants it the right to comment on all European Commission proposals and on the work of the European Parliament is in fact a substantial advantage, because it makes it easier to monitor the EU. The activities of the institutions of the EU are complex, and the church "need[s] to have personal contacts to be informed about initiatives that are being taken," de Charentenay explained. He added, "It might happen that, because of a lack of information, we miss something. The work on

the issue 'Women and fundamentalism'...is a good example. The final document was very critical of Catholicism. Concerning the issue of non-discrimination in the workplace [on the other hand], the religious organisations were very attentive. They have obtained for themselves an exemption...."

If the Catholic hierarchy is concerned about its involvement in the legislative process, provisions for participatory democracy, such as those contained in Article 47, are sufficient mechanisms to allow for active citizenship for all individuals and institutions within the EU.

ARTICLE I-47: The principle of participatory democracy:

1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.

2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.

3. The Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.

4. Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Constitution. European laws shall determine the provisions for the procedures and conditions required for such a citizens' initiative, including the minimum number of Member States from which such citizens must come.

- Treaty establishing a Constitution for Europe, October 2004

Religious Freedom or Discrimination?

It is important to recognise that religious freedom is one of the basic Human Rights already granted in the documents that established the core principles of the EU: the European Convention on Human Rights, the Treaty of the European Union and the Charter of Fundamental Rights of the European Union. To grant an institutional religion, and in particular the Catholic church, special status with special rights, distinct from any other civil society organisation creates four problems:

1. Many people in the EU will face discrimination. Although the majority of people living in Europe say they belong to a religious community, many studies show that most Europeans do not practice their religion and are generally indifferent to religion. Moreover, studies show that only a dwindling minority of Catholics agree with the positions of the hierarchy on the topics highest on the Vatican's agenda: the family and sexual and reproductive health and rights. Hence, the church hierarchy's views on these issues are not illustrative of the opinions of the majority of Catholics, who would be misrepresented if the bishops' positions were taken as the expression of mainstream Catholic opinion. Catholicism is pluralistic and this pluralism cannot be appropriately represented if the church hierarchy expresses a monolithic "Catholic" opinion on any matter, particularly on issues related to family life and sexual and

reproductive rights. For instance, there is no “Catholic party” in Europe. Catholic policy makers belong to all parties and Catholic citizens vote for parliamentary candidates from all parties.

More importantly, labour laws in their country or in the European Union will not protect either Catholics or non-Catholics working for church related agencies—even those funded by public monies.

2. The Catholic hierarchy is not democratically elected. As a result, the Catholic faithful have no voice in the appointment of those who claim to speak for them.

3. Many European citizens are religiously indifferent agnostics or atheists who do not wish to be considered members of a particular religious community or do not organise politically on the basis of religious beliefs. Moreover, most of Europe’s religious institutions do not seek the same political voice nor have the same political structures in Europe as those of the Catholic hierarchy. These groups and individuals would be at a distinct disadvantage in the political process. Should other religions choose to organize politically we would face the same kind of religious strife that has developed in countries where there is religious law. For example, in India, there are laws that are obligatory for Muslims, other laws for Hindus. In much of the Islamic world, Sharia is the basis of secular law. Should that be true for Muslims in Europe?

4. Consensus on funding policies would be disrupted. At present, the EU is not a religious polity. Religious organisations, like other civil society organisations, may apply for EU funds for projects that promote reflection on the idea of Europe in the context of religion, spirituality and values. A specific budget line (A-3024) was created in late 1990 under the name “A Soul for Europe.” COMECE and other Catholic organisations have applied for and received grants to organise conferences and other educational projects under this rubric.

The EU funds that represent a more substantial interest for the church, however, are those for humanitarian aid, foreign development, poverty eradication and combating social exclusion. These are areas where Catholic charities constitute a significant portion of all service providers and therefore receive a large share of the funding. For example, according to the Catholic hierarchy, 25 percent of all AIDS patients are cared for by Catholic health care providers. As the EU funds such care at substantial levels, the International Cooperation for Development and Solidarity (CIDSE), a consortium of Catholic development agencies with offices in Brussels, has created a position of development policy officer to facilitate the access of its member agencies to EU funding and to monitor and influence EU decision-making on development policy. Between 1997 and 2002, Catholic charities received nearly €99 million of EU funding under the budget line that goes to fund NGO development projects—close to 10 percent of the total €1 billion the EU spent on such projects. EU funding goes to Catholic organisations that do not always reflect the progressive values of the EU, especially when it comes to sexual and reproductive health and rights. The Vatican rejects EU policy but its charities get EU money. They do charitable work in the name of Christian values with the money of non-Catholics, with the Vatican becoming an ersatz State in countries where the government does not provide the basic public services to meet the

welfare needs of the weakest members of society, both in Europe and on other continents, making significant social and political capital for itself as a result.

1. Marie-Françoise Masson, "Les Églises font du lobbying européen," *La Croix*, 28 June 2002.
2. European Parliament (EP), Parliamentary Questions, Written Question E-0291/01 (www.europarl.eu.int, accessed 11 July 2003).
3. Pierre de Charentenay, "Cinq points sur les relations de la Convention avec les religions," 03 February 2003 (www.ocipe.org, accessed 15 July 2003).
4. Pierre de Charentenay, "Cinq points sur les relations de la Convention avec les religions," 03 February 2003 (www.ocipe.org, accessed 15 July 2003).

Social Capital, Diversity and Education Policy

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Also available at the following URL and is reproduced with permission:
<http://www.lsbu.ac.uk/families/publications/SCDiversityEdu28.8.06.pdf>

Basis of research

Patterns of children's friendships were researched in 12 English primary schools that varied greatly in ethnic and faith diversity. As many as 60 of the 600 children surveyed between 2003 and 2005 identified themselves as Muslims.

Key Findings:

- Friendship at primary schools can, and does, cross ethnic and faith divides wherever children have the opportunity to make friends from different backgrounds.
- At that age, in such schools, children are not highly conscious of racial differences and are largely unaware of the religion of their friends.
- The positive benefits of mixed primary schooling particularly for white children, extend into the early years of secondary school.
- There was some evidence that parents learned to respect people from other backgrounds as a result of their children's experiences in mixed schools.
- The ethnic mix of primary schools can vary within local catchment areas and
- Parental prejudices, allied to a rhetoric of choice, reduce the chances of children from different backgrounds being in the same primary class. [
- In the areas we studied this was particularly true of Catholic schools.
- Muslim children separated school and home more than other children, but their Muslim school friends did not come home with them any more than their other friends.
- The process of secondary school transfer affects behaviour and inter-racial relations as children react to a sense of rejection (discussed in Weller forthcoming 2007)
- Secondary school transfer processes also tended to disrupt pre-existing inter-ethnic friendships more than others.

- Children in non-denominational secondary schools from all ethnic backgrounds were largely opposed to 'faith' schools.
- In the one case we studied, primary school twinning had little positive effect on white children's attitudes, fuelling indeed their community's sense of losing out on investment.

We conclude by arguing that day-to-day contact between children has far more chance of breaking down barriers between communities, than school twinning and sporting encounters.

This is in line with the thrust of social psychology research on prejudice which emphasises the importance of establishing contact between equals.

We therefore think that if it is to address its remit effectively, the Commission on Cohesion and Integration should consider:

- How far policies of enhanced school choice and the retention of existing faith schools have hindered integration
- How policies and processes within schools help or hinder the respect and understanding

pupils have for one another, with particular regard to the attitudes of white children

- How best to ensure that local examples of school twinning and informal contact are independently and systematically evaluated for their impact on attitudes and behaviour.

- How the educational outcomes for white children from traditionally poor achieving

backgrounds might be enhanced by learning alongside children from high aspiring ethnic

groups

- How any such positive benefits should be more broadly communicated.

http://justifythis.blogspot.com/2006_05_01_archive.html (not direct)
From the Church of England Newspaper 26 May 2005, page 19

Michael Nazir-Ali

Chaplaincies: Distinctively Christian or just a multi-faith mish mash?

leaders in this country are concerned more and more at what is being imposed on them in the name of a multi-faith society. As a Church, however, we have found it impossible so far to act together or even to discuss together ways of upholding the uniqueness of Christ in the public square.

The Church of England's role (and that of other Churches) in the nation is built on the assumption that this is a Christian country which owes its constitution, institutions, legal arrangements and values to the Christian faith. Against this, there is now a growing reaction - and the claim is increasingly heard, even on the lips of the highest state officials - that this is a multi-faith society and all legislative, executive and judicial decisions must be made in the light of this fact.

Two observations are pertinent here: first, this claim is not very often made by people of non-Christian faiths. It is most often made by those with a secularising agenda, of one kind or another, who wish to 'level-down' and thus neutralise all of the faiths. Secondly, as former Archbishop of York Lord Habgood has pointed out, there is no necessary contradiction between being a distinctively Christian country and being welcoming to others. To acknowledge the Christian roots of British society is not to deny others the opportunity of making their own contribution. In fact, a so-called 'neutral' standpoint may be equally unwelcoming to all.

Alas, such a vision of our Christian roots is very far from the ideas of policy makers and managers in our public institutions. They have been sold the doctrine of the multi-faith society lock, stock and barrel. How is the Church responding to what is nothing less than a frontal assault on its distinctive place in these institutions?

For a long time the Church of England has used its position not to exclude other churches and, latterly, other faiths but to make sure they are included. This, however is no longer good enough. There are now pressing demands that dedicated, and sometimes consecrated, Christian chapels in prisons, hospitals and elsewhere be turned into multi-faith centres, often known as 'the multi-faith', for undifferentiated use by people of all faiths.

What are the bishops to do? They have specific responsibilities in law for consecrated or dedicated buildings in their jurisdiction. As the Ecumenical Canons declare, in another context, it is the bishop's task to ensure that nothing is done which is contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.

Bishops will, no doubt, take into account various pastoral circumstances and act accordingly. This is, however, not just a local or regional issue.-It is a national one. We are always being told of the value of 'joined-up thinking and acting'. Surely, this is where the bishops and the Church, as a whole, should act together? So far, there has been little interest, and our ecclesiastical bureaucracies remain preoccupied with pre-eminently churchy matters.

The 1996 Church of England Report Communities and Buildings recognised the importance of sacred space. The nature and needs of Christian worship are such that

buildings used for it acquire a certain character and atmosphere. Respect for Christian sensitivities, as well as those of people of other faiths, demands that buildings used for Christian worship should not become places where 'anything goes'.

It may be that Chaplaincies have ancillary space which can be relinquished so that others can use it, but consecrated and dedicated space must be protected.

Where there are new buildings, public authorities (and, sometimes, even commercial ones) are offering the use of a common space which can be used by different faith and other groups on a first come, first served basis. This is often a matter of financial necessity and there is no objection to this in principle but again chaplains have to be careful of retaining the integrity of Christian worship in such a context and of making sure that the space does not become a multi-faith mishmash. Bishops need to be alert that, when asked for a 'dedication', it is the Christian ministry they dedicate and not the space.

Anglican chaplains in prisons, hospitals and other public institutions function under licence from the bishop. This means they exercise a 'cure of souls' and are responsible to the bishop in this respect. Such a cure of souls will involve bringing people to faith, deepening their commitment, enabling their worship and helping them lead effective Christian lives.

It is recognised that the authorities have the responsibility of ensuring that equivalent people from other church and faith communities will also have such opportunities. No one can be coerced into accepting such ministrations, and chaplains from all groups will work with those who welcome their ministry.

This much is uncontroversial. There is increasing evidence, however, especially from prisons, that Christian chaplains are being constrained in their ministries by the generally prevailing 'multifaith' culture. This may also be true of people of other faiths. Courses, such as Alpha, that bring people to faith or to deepen it are being discouraged as this is seen as 'proselytising' (in itself a hugely 'loaded' word). Other programmes which seek to base changes in behaviour on a deeper transformation, based on faith, are threatened with closure, even though their intake is entirely voluntary and they have a track record in reducing re-offending.

It is greatly to be welcomed that chaplains from different Churches increasingly work together. There is also scope for co-operation with those of other faiths in areas like the welfare of patients or prisoners, hospitality for families, matters of diet, educational materials and inter-faith discussion. This does not and cannot mean that the distinctive Christian character of chapels and chaplaincies should be lost or compromised in any way. There are legitimate requirements - of welcome, of hospitality and of enabling - which Christians need to exercise in relation to others but again this must be without obscuring their fundamental commitment to the Gospel and its place in public life in this country.

I, for one, remain concerned at what is being imposed in the name of a multi-faith society. As a Church, we need to discuss this issue as a matter of urgency and to act together. The House of Bishops is very busy with ecclesiastical issues and the same may be true of the General Synod. To mix a number of metaphors, however, while we continue on this escalator, rearranging the deck chairs, the ground is effectively being cut from under our feet!

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ENDNOTES

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- ⁴ <http://www.gallup-international.com/ContentFiles/millennium15.asp>
- ⁵ UK Christian Handbook Christian Trends No. 5, 2005/2006 Publ Christian Research Ed Peter Brierley ISBN1-85321-160-5, Table 12.13
- ⁶ Young People in Britain: The Attitudes and Experiences of 12 to 19 Year Olds, Research Report No. 564 publ in 2004 by National Centre for Social Research (Extract from page 10) <http://www.dfes.gov.uk/research/data/uploadfiles/RR564.pdf>
- ⁷ (Home Office Research Study 274 Religion in England and Wales: findings from the 2001 Home Office Citizenship Survey) publ 2004
- ⁸ http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_highlights_en.pdf
- ⁹ by David Voas at the Cathie Marsh Centre for Census and Survey Research University of Manchester England
- ¹⁰ <http://www.harrisinteractive.com/news/printerfriend/index.asp?NewsID=1131>
- ¹¹ http://www.edge.org/3rd_culture/paul07/paul07_index.html
- ¹² For an account of this aspect of the Christian Old Testament see for example Chapter 7 The God Delusion Richard Dawkins 2006.
- ¹³ For example <http://www.zenit.org/english/visualizza.phtml?sid=92821> and <http://www.zenit.org/english/visualizza.phtml?sid=92878>
- ¹⁴ <http://news.bbc.co.uk/1/hi/world/americas/3654659.stm>
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- ¹⁶ http://ec.europa.eu/dgs/policy_advisers/activities/dialogues_religions/docs/list_of_dialogue_partners_en.pdf and (which explains the background to the meetings) http://ec.europa.eu/dgs/policy_advisers/activities/dialogues_religions/index_en.htm.
- ¹⁷ in her letter of 10 April 2007 to the President of the European Parliament following his invitation to the pope to address a plenary session
- ¹⁸ <http://www.eupolitix.com/EN/News/200608/49897b90-609f-465b-826b-2f48a5e07ab8.htm>
- ¹⁹ http://archieff.d66.nl/news/item/Sophie%20in%20t%20Veld_%20EU%20leiders%20negeren%20scheduling%20kerk%20en%20staat_/4709 (English translation follows Dutch)
- ²⁰ At a meeting of the Separation of Religion and Politics Working Party in the EP in Brussels on 22 November 2005
- ²¹ 26 July 2007 <http://in.reuters.com/article/worldNews/idINIndia-28655420070725?pageNumber=1>
- ²² <http://www.iheu.org/node/2751>
- ²³ <http://www.guardian.co.uk/eu/story/0,7369,1678189,00.html>
- ²⁴ For detail see pages 235-239 God is not Great Christopher Hitchens 2007
- ²⁵ <http://www.concordatwatch.eu/>
- ²⁶ <http://www.bmj.com/cgi/content/full/334/7584/75?ck=nck>
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- ³⁰ 11 July 2007 <http://www.guardian.co.uk/crime/article/0,,2123435,00.html>
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- ⁴¹ <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2007/06/26/nhonour126.xml>
- ⁴² http://launch.praguemonitor.com/en/123/czech_national_news/9267/
- ⁴³ http://news.bbc.co.uk/nolpda/ifs_news/hi/newsid_6293000/6293695.stm
- ⁴⁴ More detail in www.secularism.org.uk/32696.html , www.secularism.org.uk/32753.html and www.secularism.org.uk/32783.html
- ⁴⁵ http://catholicanalysis.blogspot.com/2006/09/full-text-of-popes-regensburg-speech_18.html
- ⁴⁶ <http://www.catholicnews.com/data/stories/cns/0704290.htm>
- ⁴⁷ <http://www.abc.net.au/pm/content/2007/s1943215.htm> published 5 June 2007
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- ⁵⁸ http://timesofindia.indiatimes.com/Knighthood_to_Rushdie_angered_Kafeel/articleshow/2195940.cms
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- ⁶⁵ http://archieff.d66.nl/news/item/Sophie%20in%20_t%20Veld_%20_EU%20leiders%20negeren%20scheduling%20kerk%20en%20staat_/4709