

DRAFT CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION

fundamental.rights@consilium.eu.int

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COVER NOTE

Subject : Draft Charter of Fundamental Rights of the European Union

Please find hereafter a submission of the Church of Scientology regarding freedom of religion and belief in the European Charter of Fundamental Rights.^{1 2}

¹ This text exists in English language only.

² Church of Scientology: 9, rue General MacArthur, B-1180 Brussels.
Phone : +32-2-347 1648. Fax : 32 2 347 4290. Email : 101540.51@compuserve.com

The European Charter of Fundamental Rights **- and Freedom of Religion or Belief**

The Church of Scientology has several million members throughout Europe and is involved with human rights and social reform programmes in many countries around the world.

It is clearly important that European citizens see a real application of fundamental human rights principles and not just another round of grand sounding words which take months if not years to agree upon but have little practical application.

It is this concern which fires our contribution to the Charter of Fundamental Rights. Countries of Western Europe have all signed and ratified conventions, declarations and wonderfully idealistic statements on how things should be. This is of course correct as without the ideal there is nothing to head for.

However, it is, of course, but a first stage. What really counts is the application of these principles to the citizens of Europe. Our experience in the field of religious minorities is that in a number of countries members of religious and philosophical groups are seriously concerned that their survival is threatened by the very bodies who have signed these conventions and declarations but are doing nothing to enforce the duties and responsibilities they have to protect those rights.

For example, in the last two months, there has been a series of hearings where members of religious and philosophical groups have testified about discrimination in France and Belgium. Approximately 100 testimonies from 40 different groups were heard during this time and for each person who testified there are at least 10 more that were not heard. Multiply this by the number of people (family members, friends) that were affected through each individual incident and it amounts to thousands of people who are suffering simply because of their belief. Often the authorities are party to, either directly or tacitly, the discrimination.

Of course, similar experiences are found with other minorities and any discrimination which occurs on the basis of colour, sex, ethnic background or other arbitrary criteria is not acceptable. None of these are more or less important than the other but because our experience has been in the field of religion this submission is more tailored to this category. A short background summary will be helpful to understand the background to the problem and consequently why certain wordings have been proposed.

Background

There have been attempts to discredit the subject of religious minority rights from some sectors during the last five years - an attempt which has not succeeded but which has gained a certain amount of currency in some quarters. The main vehicles which have been used in the attempt to undermine religious freedom rights are analysed as follows :

a) Propaganda through assigning a derogatory meaning to a word

By assigning a derogatory meaning to the word "sect" or "cult" and equating as many religious minorities as possible with this categorization is a standard propaganda exercise which has been carried out on religious minorities before. By doing so there is an attempt to differentiate, and drive a wedge between traditional or modern, large or small and theistic or non-theistic religious groups. Nowadays, the word "sect" especially, as used in everyday language and almost constantly by the media, has a negative connotation which is broadly and freely used to categorize any minority religious group in an unfavourable light. Yet international standards on this subject emphasize quite the contrary.

The United Nations, religious experts, and UN treaty-based bodies have consistently found that the expression "religion or belief," as well as the individual terms "religion" and "belief," must be construed broadly to include non-traditional religions and all forms of belief. This was the opinion articulated in two studies prepared by the first two Special Rapporteurs on freedom of religion of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, and expressly confirmed in the Working Paper, drafted by the third Special Rapporteur.

Likewise, the Human Rights Committee, in its General Comment No. 22 on Art. 18 of the International Covenant on Civil and Political Rights, notes that:

"Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community." (Para. 2)

Moreover, the 1996 Annual Report by the Special Rapporteur on Religious Intolerance to the United Nations Human Rights Commission provides the Rapporteur's opinion on the broad scope of the term religion and the need for equal treatment of all religions, including so called "sects." The Special Rapporteur notes that:

"Religions cannot be distinguished from sects on the basis of quantitative considerations saying that a sect, unlike a religion, has a small number of followers. This is in fact not always the case. It runs absolutely counter to the principle of respect and protection of minorities, which is upheld by domestic and international law and morality. Besides, following this line of argument, what are the major religions if not successful sects?"

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"Again, one cannot say that sects should not benefit from the protection given to religion just because they have no chance to demonstrate their durability. History contains many examples of dissident movements, schisms, heresies and reforms that have suddenly given birth to religions or religious movements." As to governmental efforts to distinguish between religions and sects, the Rapporteur concludes that: "All in all, the distinction between a religion and a sect is too contrived to be acceptable. A sect that goes beyond simple belief and appeals to a divinity, or at the very least, to the supernatural the transcendent, the absolute, or the sacred, enters into the religious sphere and should enjoy the protection afforded to religions."

b) Generalization : Making the acts of a few equate to the acts of many

To emphasise and dramatize the very few but certainly horrific events that have occurred with several minority groups is quite illogical and discriminatory. These actions are truly deserving of condemnation but to generalize about all religious or philosophical minorities and create a negative climate by painting all such groups with the same brush is unacceptable and purposefully done. The inherent bias of an "Observatory" into religious minorities which was established by the French government is graphically illustrated with the sweeping and utterly unfounded conclusion in its final report that

"Sects represent a real threat for the State, the society and individuals; it is therefore the task of the Observatory to fight against this threat."

The report relies on sweeping generalizations, serious factual inaccuracies, and vague or unsupported allegations to reach a conclusion that special and drastic governmental measures should be employed against minority religious groups classified by the pejorative term "sect".

The International Helsinki Federation in its 1999 international religious intolerance report, concluded in no uncertain terms that religious intolerance has reached alarming proportions in France:

"While other reports abroad (Swedish parliamentary report and report of the canton of Tessin) recommend dialogue with so-called sects, France has chosen open confrontation. This has led to slanderous reports in the media, to professional prohibitions, to religious discrimination by the French authorities and to increasing intolerance from civil society towards ordinary people on the grounds of their personal religious beliefs."

c) Spreading outright lies or, more often, misrepresentation of events and statements from the groups.

This is exemplified by the entirely false and unscientific reports of the French and Belgian Parliaments which held hearings without allowing the possibility of any correct response by the groups concerned and itemized almost 200 groups as "dangerous" (the Belgian Parliament never formally adopted their list but by the time it was withdrawn the damage was done and it is still used today to discriminatory effect).

That parliamentary bodies would even endorse such an approach is a cause for serious concern. The parliamentary committees acted as judge and jury without even presenting specific allegations to the groups concerned and allowing them to respond. Yet there were no external checks possible of these reports due to parliamentary confidentiality and/or privilege which was invoked to "protect" their work so it could not be challenged in any direct way.

Consequently, without any serious evidence, and certainly no opportunity for the groups concerned to respond to specific allegations, the parliaments of two countries sent a biased and intolerant message to their citizens and to the world in general.

The International Helsinki Federation stated in its 1999 report :

Currently, Austrian, Belgian, French, and German policies in this regard are completely founded on the distinction between "sects" and religions. The Parliamentary Assembly [of the Council of Europe] considers this to be a "pitfall, which the authorities must avoid." Its warning is extremely clear, and calls the neutrality and secularity of the four countries into question.

d) Justifying acts of intolerance by pseudo-scientific reasoning

To justify acts of intolerance or "explain" why people remain members of religious groups is attempted by passing off the theory, as though it were a fact, that such groups are somehow able to brainwash, control or coercively manipulate the minds and wills of their followers.

This theory has no scientific substantiation yet it can often be seen in media articles (and sometimes supposedly serious studies) as "reason" for taking discriminatory actions or making derogatory statements.

As Dr. Benjamin Beit-Hallahmi stated, as part of an American Psychological Association memorandum on the subject *"The term 'brainwashing' is not a recognized theoretical concept, and is just a sensationalist 'explanation' more suitable to 'cultists' and revival preachers. It should not be used by psychologists, since it does not explain anything"* (1987)

Professors James T. Richardson and Gerald Ginsburg (University of Nevada, Reno) further explained this in a paper originally prepared for presentation at Law and Science Seminar, presented by the Faculty of Laws, University College London, June 30, July 1, 1997 and later published in Law and Science: Oxford University Press, entitled "A Critique Of 'Brainwashing' Evidence In Light Of Daubert: Science And Unpopular Religions"

"Given the problematic nature of scientific support for brainwashing based theories as they are applied to participants in new religions, it is reasonable to ask why such evidence was ever admitted, and why it is sometimes still admitted (Richardson, 1996; Anthony and Robbins, 1995). The most plausible answer has to do with the operation of biases, prejudices, and misinformation in these cases that involve controversial parties and issues or, as Kassin and Wrightsman (1988) say: cases "involving emotional topics over which public opinion is polarized.""

e) Administrative and legislative actions based on the premise that "sects are a danger to society"

Of course, religion or belief is no justification for committing a crime or abusing the good intentions of an individual. Any violations of the law should be properly dealt with by the correct authorities. There exists, certainly within European Union countries, adequate basis for prosecuting anyone who breaks the law and so prosecution should be taken regardless of the religious or other beliefs of any individual or group involved.

What is discriminatory is the trend to propose legislation directed solely at curtailing activities which are religious with the intent of making this a crime, or alternatively, creating "shortcuts" with the intent of persecuting religious groups.

One example of this occurred at the end of last year when the French Senate passed a law which would amend a 1936 law which was passed at that time to curtail the activities of armed militia groups. On December 16, 1999, the French Senate, the upper house of the French legislative system, passed legislation designed to create a means to dissolve groups which, in the opinion of the government, "cause trouble to public order." This proposal was not made public prior to the 15th December 1999, the same day that it was adopted by the Law Commission of the Senate and the day prior to it being voted by the Senate. This almost unheard of attempt to covertly slide non-urgent legislation through the legislative process without the possibility of public scrutiny did not speak well of the intentions or actions of those proposing this legislation.

Perhaps the most telling statement came from one of the Senators supporting the amendment when she said *"The dissolution, which is a political decision, also gives the advantage of not using the judicial procedures in which sects are so skillful in manoeuvring."*

The proposed law passed its first major legislative hurdle and is now sitting with the National Assembly for possible enactment. To his credit, it has been opposed by the French Interior Minister and so is currently "pending" but not specifically rejected.

Other examples of discriminatory administrative (i.e. government) "stops" are the use of discriminatory materials against religious minorities in schools (examples in Germany and France), the use of "sect filters" - demanding that a person is not a member of a specific religious group (in use in some German Lander), the use of the tax administration and other government bodies to give special attention to religious groups with the intention of harassing (France, Belgium and Germany), special "enlightenment" campaigns to "educate" magistrates, judges and other public officials about the "dangers of sects" (France and Germany). [Details available on request.]

Once the above techniques have been used and repeated often enough even supposedly responsible members of society tend to believe that there is some kind of hidden menace. When media do not allow equal space to refute the allegations, and often ignore such statements altogether, there becomes reason for serious concern. Some of the attempted legislation which has been proposed during the last few years is as follows :

Government responsibility to actively prevent discrimination

International instruments which all members of the European Union have signed make it quite clear that religious freedom is a right guaranteed to all, not to be defined, controlled or otherwise manipulated government. Government even has the active obligation to protect these freedoms and **not stand by when discrimination occurs.**

The Final Helsinki Act which is at the core of the principles supported by the OSCE states that governments should not only

"recognize and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience" but expects that governments "recognize and respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere."

The Concluding document from the Vienna Conference of the OSCE makes this even clearer by stating that the member states will

"take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise or enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life and ensure the effective equality between believers and non-believers."

It also calls on them to

"foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers."

There have been enough warnings from various human rights bodies that these should be taken note of (and indeed have by many European governments who have refused to countenance the measures outlined above).

For example the International Helsinki Federation stated in 1999 that :

All major international human rights conventions as well as other international conventions to which Austria, Belgium, France, and Germany are signatories include a clause that prohibits discrimination on the basis of religion.

The OSCE participating states, which comprise all European countries except the Federal Republic of Yugoslavia, have pledged not only to prohibit discrimination but to "take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers." (Article 16 of the Vienna Concluding Document)

The OSCE participating states also have taken upon themselves the affirmative obligation of promoting tolerance. As the 1989 Vienna Concluding Document provides, all participating states shall "foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers." (Article 16.2 of the Vienna Concluding Document) Therefore, Austria, Belgium, France and Germany and the other member states of the OSCE must respect and implement the provisions of these international instruments which fully guarantee the freedom of religion and belief of their citizens.

The acclaimed University of Essex Human Rights Centre 1997 study on the subject of freedom of religion finds, after conducting extremely detailed and exhaustive research on the topic, that new religions are a recurring target of discrimination in Europe:

"Freedom of religion therefore is not to be interpreted narrowly by states, for example, to mean traditional world religions only. New religions or religious minorities are entitled to equal protection. This principle is of particular importance in light of the evidence reflected in the Country entries, including those of the European section, revealing that new religious movements are a recurring target for discrimination or repression.

* * * * *

As mentioned earlier, the above mechanisms of discrimination apply, with variations on the same theme, to all minorities and so the principles which should be built into the Charter reflect the protection that should be given to all minorities - not just religious or philosophical ones.

To its credit, the European Commission has already taken steps in this direction with the proposal of anti-discrimination directives. Whilst these are limited to the field of employment it is clearly a move in the right direction done within limitations prescribed by the current treaties. To add an all-inclusive article, which stands alone, to a Charter of Fundamental Rights would obviously be in the spirit of the above international standards which provide a obvious basis for the addition of such an article.

[N.B. Whilst certain countries have been mentioned above it is not the intention here to attempt to isolate them. It is clear that the great majority of their citizens, politicians and government administrators care to establish a real human rights environment. The points are, never-the-less, made to illustrate real problems which exist within the European Union and can be substantiated.]

Article 14 of The Charter

It has been stated that the different articles which have been proposed in the Charter have been purposely stated as concisely as possible in order to provide a relatively short and understandable Charter. Whilst this argument has some validity "conciseness" cannot be used as a justification for reducing (and whilst this is obviously not the intention it may well be the effect) fundamental rights.

It is never the majorities which need protecting but the minorities and to give the Charter more meaning and actual effect in daily life the wording should spell out the implications, duties and responsibilities enshrined in a right rather than leave these open to later interpretation - or perhaps misinterpretation. After all, what is the point of this exercise if it does not advance human rights protection but only re-states it.

It is therefore our opinion that the full range of rights should be spelt out and integrated into the Charter in order for it to have a full effect. Our proposal for a wording for article 14 supports, follows and extends the proposal made by Amnesty International and draws upon the wording of article 16 of the Concluding Document from the Vienna Conference of the Organisation for Security and Cooperation in Europe (March 1989) and the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (November 1981). The following is therefore proposed :

"Freedom of thought, conscience and religion includes the right to conscientious objection and the right to freedom of religion. It includes the right to change one's religion or belief, the freedom, either alone or in community with others and in public or private, to manifest one's religion or beliefs in worship, teaching, practice and observance, as well as the right not to hold any religious beliefs or to practice any religion.

Furthermore Governments must take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers;

Governments must foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers.

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Submitted by Martin Weightman
Director
European Human Rights Office
Church of Scientology
9 rue General MacArthur
1180 Brussels
Belgium
Phone : 32 2 347 1648
Fax : 32 2 347 4290
Email : 101540.51@compuserve.com

United Nations Human Rights Committee and
Special Rapporteur on Religious Intolerance (excerpts)

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The Committee goes on to find that:

"The fact that a religion is recognized as a State religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in the impairment of the enjoyment of any of the rights under the Covenant, including articles 18 [freedom of thought, conscience and religion] and 27 [protection of minorities], nor in any discrimination against adherents of other religions or non-believers. In particular, certain measures discriminating against the latter, such as measures restricting eligibility for government service to members of the predominant religion or giving economic privileges to them or imposing special restrictions on the practice of other faiths, are not in accordance with the prohibition of non-discrimination based on religion or belief and the guarantee of equal protection under article 26 . . . " (Para. 9)

Moreover, the 1996 Annual Report by the Special Rapporteur on Religious Intolerance to the United Nations Human Rights Commission provides the Rapporteur's opinion on the broad scope of the term religion and the need for equal treatment of all religions, including so called "sects." The Special Rapporteur notes that:

"Religions cannot be distinguished from sects on the basis of quantitative considerations saying that a sect, unlike a religion, has a small number of followers. This is in fact not always the case. It runs absolutely counter to the principle of respect and protection of minorities, which is upheld by domestic and international law and morality. Besides, following this line of argument, what are the major religions if not successful sects?"

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"Again, one cannot say that sects should not benefit from the protection given to religion just because they have no chance to demonstrate their durability. History contains many examples of dissident movements, schisms, heresies and reforms that have suddenly given birth to religions or religious movements." As to governmental efforts to distinguish between religions and sects, the Rapporteur concludes that: "All in all, the distinction between a religion and a sect is too contrived to be acceptable. A sect that goes beyond simple belief and appeals to a divinity, or at the very least, to the supernatural the transcendent, the absolute, or the sacred, enters into the religious sphere and should enjoy the protection afforded to religions."

Appendix II

Concluding Document from the Vienna Conference of the Organisation for Security and Cooperation in Europe, March 1989 (excerpts)

"(16) In order to ensure the freedom of the individual to profess and practise religion or belief, the participating States will, inter alia,

(16.1) - take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers;

(16.2) - foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers;

(16.3) - grant upon their request to communities of believers, practising or prepared to practise their faith within the constitutional framework of their States, recognition of the status provided for them in their respective countries;

*(16.4) - respect the right of these religious communities to - establish and maintain freely accessible places of worship or assembly, - organize themselves according to their own hierarchical and institutional structure,
- select, appoint and replace their personnel in accordance with their respective requirements and standards as well as with any freely accepted arrangement between them and their State,
- solicit and receive voluntary financial and other contributions;*

(16.5) - engage in consultations with religious faiths, institutions and organizations in order to achieve a better understanding of the requirements of religious freedom;

(16.6) - respect the right of everyone to give and receive religious education in the language of his choice, whether individually or in association with others;

(16.7) - in this context respect, inter alia, the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions;

(16.8) - allow the training of religious personnel in appropriate institutions;

(16.9) - respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of religion or belief,

(16.10) - allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials;

(16.11) - favourably consider the interest of religious communities to participate in public dialogue, including through the mass media.

(17) The participating States recognize that the exercise of the above-mentioned rights relating to the freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments. They will ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief.

(18) The participating States will exert sustained efforts to implement the provisions of the Final Act and of the Madrid Concluding Document pertaining to national minorities. They will take all the necessary legislative, administrative, judicial and other measures and apply the relevant international instruments by which they may be bound, to ensure the protection of human rights and fundamental freedoms of persons belonging to national minorities within their territory. They will refrain from any discrimination against such persons and will contribute to the realization of their legitimate interests and aspirations in the field of human rights and fundamental freedoms.

(19) They will protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities on their territory. They will respect the free exercise of rights by persons belonging to such minorities and ensure their full equality with others."

Appendix III

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

Proclaimed by General Assembly resolution 36/55 of 25 November 1981

The General Assembly,

Considering that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the principles of nondiscrimination and equality before the law and the right to freedom of thought, conscience, religion and belief,

Considering that the disregard and infringement of human rights and fundamental freedoms, in particular of the right to freedom of thought, conscience, religion or whatever belief, have brought, directly or indirectly, wars and great suffering to mankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to kindling hatred between peoples and nations,

Considering that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible,

Convinced that freedom of religion and belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination,

Noting with satisfaction the adoption of several, and the coming into force of some, conventions, under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

Concerned by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world,

Resolved to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the ground of religion or belief,

Proclaims this Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief:

Article 1

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.
3. Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

Article 2

1. No one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief.

2. For the purposes of the present Declaration, the expression "intolerance and discrimination based on religion or belief" means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

Article 3

Discrimination between human being on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.

Article 4

1. All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.
2. All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

Article 5

1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.
2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.
3. The child shall be protected from any form of discrimination on the ground of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.
4. In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.
5. Practices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article 1, paragraph 3, of the present Declaration.

Article 6

In accordance with article I of the present Declaration, and subject to the provisions of article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, inter alia, the following freedoms:

- (a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- (b) To establish and maintain appropriate charitable or humanitarian institutions;
- (c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;

- (d) To write, issue and disseminate relevant publications in these areas;
- (e) To teach a religion or belief in places suitable for these purposes;
- (f) To solicit and receive voluntary financial and other contributions from individuals and institutions;
- (g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- (h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;
- (i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

Article 7

The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.

Article 8

Nothing in the present Declaration shall be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights and the International Covenants on Human Rights.