

Council of Europe hailed for religious freedom resolution



Strasbourg, France, Apr 30, 2013 / 04:02 am (CNA/EWTN News).- A resolution passed by the Council of Europe's Parliamentary Assembly is being lauded as an important – although limited – recognition of religious and conscience rights in the public sphere.

“The important step with this resolution is the mention of the right to conscientious objection and the enlargement of its scope of application,” Dr. Grégor Puppink, director general of the European Centre for Law and Justice, told CNA April 29.

“It is the first time that I see a document, a source of law, saying there is a right to conscientious objection and freedom of conscience in all 'morally sensitive matters,’” he said, which means it applies to the fundamental right of parents to educate their children.

Resolution 1928, passed by the Parliamentary Assembly of the Council of Europe on April 24, says, “The Assembly therefore calls on member States to ... accommodate religious beliefs in the public sphere by guaranteeing freedom of thought in relation to health care, education and the civil service.”

However, this accommodation is “provided that the rights of others to be free from discrimination are respected and that the access to lawful services is guaranteed.” This has made some critics wary that rights of religious freedom will be viewed as inferior and secondary to abortion and gay “rights.”

The Council of Europe, which works to promote co-operation among its 47 member states in the area

of human rights, adopted the measure almost unanimously, by a vote of 148-3, with seven abstentions.

The resolution's adoption followed spirited debate on a report by an Italian representative, Luca Volonte, on “violence against religious communities.”

The effort to pass the measure met strong resistance from Scandinavian delegates. One Danish representative, complained that the report “insists on putting religious rights above other fundamental rights ... of course freedom of religion should be respected, but it should not stand in the way of the right to lawful service, the right to abortion and equality for all, regardless of their homosexuality or heterosexuality.”

Puppincck explained that while “the wording of the resolution is not perfect” and he would have preferred that it be “stronger,” it is not “absolutely bad” and it will in fact “make it easier to uphold Christians' rights” to education of children, freedom of expression and conscientious objection.

The resolution, he said, is a follow-up to a 2011 resolution of the Assembly which focused on the persecution of Christians in the Middle East, which was re-iterated in strong terms in Resolution 1928.

Because it has become “more and more difficult to advocate in Europe” for the three areas of religious freedom mentioned above, Puppincck explained that the resolution is a step forward as an affirmation of those rights.

“Those rights were negated widely in northern Europe, and they are negated by the Socialist governments, so it's important to talk about and to recognize those rights.”

He cited efforts in France, Spain, Germany and Russia which aim to decrease parental rights regarding the education of their children and use state education to promote secularist values.

“In France we are facing a difficult time with our government, which does not at all respect parental rights,” Puppincck explained. “We have some members of the French government who say children

belong first to the state, to the community, and secondly to the family.”

He therefore lauded the resolution for reaffirming the “rights of parents concerning the education of children.”

The part of the resolution restricting religious freedom when it clashes with other rights was neither authored by Volonte nor was it present in the original draft, Puppincck said. Rather, this language entered through amendments adopted after debate on the topic, and Volonte assented to them so as to gain a large majority of support for the resolution.

Volonte chaired a seminar after the resolution's adoption which focused on the cases of two British Christians who were penalized in their workplaces for their religious beliefs.

In January, the European Court of Human Rights ruled that Shirly Chaplin, a nurse who was kept from wearing a cross at work, and Gary McFarlane, a therapist who was fired for saying he would be unable to give sex therapy to homosexual couples, had not had their rights unduly violated by U.K. workplace discrimination law.

While acknowledging that the religious beliefs motivating their acts at work were worthy of protection, the court decided that British law in their cases fell within a wide “margin of appreciation,” which gives legislatures and employers broad discretion about how to balance conflicting “rights.”

Chaplin and McFarlane have appealed the decision to the Grand Chamber of the European Court of Human Rights, which is also a body of the Council of Europe.

The assembly's resolutions influence the decisions of the court, Puppincck noted, adding that the cases of McFarlane and Chaplin were part of the motivation for introducing the resolution.

In the January decision against Chaplin and McFarlane, the court did find that British law had insufficiently protected another Christian, Nadia Eweida. It ruled that her freedom of religion had been

breached after she was kept from wearing a cross in her employment at British Airways.

All these cases, and the resolution, are part of a growing trend of Europe's “clash of rights” cases involving Christian identity and expression in the public sphere.

Chaplin and McFarlane have appealed to the Grand Chamber saying that protections for the freedom of “thought, conscience and religion” will be effectively meaningless if the Court does not clarify how the rights of Christians, and other religious persons, are to be balanced with the rights upheld by secular persons and societies.

The Grand Chamber is not expected to decide whether to hear the case for several weeks.

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