

# MEMORANDUM

## WITH A VIEW TO THE EUROPEAN ELECTIONS

June 2004

### INTRODUCTION

**XX** is a member of the European Humanist Federation (EHF), an non-profit international organisation under Belgian law, created in 1991. Its main aim is to represent its members and to promote the principles of humanism and secularism of society to the European institutions.

**XX** supports and forwards the actions and demands of EHF.

**XX** considers that the building of a democratic Europe implies the neutrality of the European institutions and their strict impartiality with regard to all the citizens, whatever their religious or philosophical convictions. **XX** watches closely the evolution of the European Union particularly what concerns the issues related to citizenship, non-discrimination between person, human rights, ethics, development co-operation, freedom and the separation between Churches and European institutions.

Our actions are guided by the concern to see developed in the European Union participative democracy, tolerance between the different life stances as well as equal rights for citizens whatever their religious or philosophical convictions. With EHF **XX** campaigns against nationalism, for the respect of human rights, for a humanist moral approach based on responsibility and civil and social solidarity, and for philosophical pluralism.

### EUROPEAN CONVENTION ON HUMAN RIGHTS

**XX** wants the European Union to adhere to the European Convention on Human Rights. The adhesion should go with the recognition of the compulsory jurisdiction of the European Court of Human Rights and of the right to petition a judge individually. Such a system would allow the control by a judge not part of the Community juridical order, of the compatibility of Community Law with the European Convention on Human Rights.

### EUROPEAN CONSTITUTION

**XX** wants the European Constitution to go beyond ancient divisions and to avoid the evocation of heritages that divide. **XX** asks that :

- it be explicitly mentioned in the constitutional text that *the Union is founded on the indivisible and universal principles of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law.*
- explicit guarantees of secularism be integrated into the Treaties and measures governing the European Union.

Such guarantees concern more particularly the following fields :

- Separation between Churches and the European institutions
- Status of the Churches
- Equality of rights – subsidiarity principle
- Adhesion of new Member States
- Immigration and asylum policy
- Europe, vector of peace
- Foreign policy

### **Separation between Churches and the European institutions**

**XX** stresses the role that public power has to play with regard to separation between Churches and European institutions which must be impartial. Only the pre-eminence of the civil over the religious, of the general public interest over the aspirations of particular ideological groups, can avoid that socio-cultural diversity is translated into a juxtaposition of ghettos indifferent to, conflicting with, or even hostile to one another.

**XX** demands :

- that Community institutions ensure the total independence of official bodies, of public services and of European legal activities as regards Churches, clergies, confessional influence.
- that Community Law guarantees the exercise of legitimate rights (individual and collective) with regard to religion in the sphere of private life of which they pertain to, without ever interfering with the public and the political sphere.

### **Status of the Churches**

**XX** considers that article 51 of the draft Constitution of the Union institutionalises the right for Churches to interfere in the legislative and decision-making process of the Union.

To recognise in the draft Constitution such a right to the Churches amounts to grant them a privileged status because of their religious identity and to acknowledge that the Law does not stem from the Parliament.

**XX** demands the deletion of article 51 from the European Constitution.

### **Equality of rights – Principle of subsidiarity**

A democratic State is characterised by the recognition for each person of a sphere of autonomy that the State must respect and guarantee by all means, and particularly by ensuring an equality of treatment for each person and each particular group.

Philosophical and religious convictions pertain to the private sphere of each citizen, moreover each religion is free to get organised as it wishes.

In application of the Treaty of the Union (Amsterdam 1997) and of article 21 of the Charter of Fundamental Rights of the European Union, the non-discrimination of persons is essential as regards religious or philosophical convictions, whatever they may be.

Freedom of thought, of conscience and of religion is generally guaranteed in the member States. However the equality of treatment with respect to the material means put at the disposal of religious or philosophical organisations by the States is far from being ensured. Nowadays, many European citizens have adopted a non-confessional life stance whereas most European States still behave as if all the citizens still belonged to a religion.

**XX** considers that it is not acceptable that the application of the principle of subsidiarity is used to keep on perpetuating such discriminations.

### **Adhesion of new Member States**

Several member organisations of the European Humanist Federation, in particular in Poland and Slovakia, are worried about the dysfunctional democratic process in their country, mainly due to the intervention of the Catholic Church on all levels of the public institutions.

**XX** draws the attention of the European institutions and of the Member States to these problems which concern the respect of human rights, freedom, and discriminations mainly against women and persons who are not Catholics.

**XX** demands that measures be taken immediately to avoid that the adhesion of certain States to the Union creates new religious conflicts.

### **Immigration and asylum policy**

**XX** would like to point out the fundamental distinction between immigration and asylum policy. Strongly attached to human rights, **XX** urges the European Union to take measures with the States of the Union in order to take all steps to ensure that, in a concerted way, at all stages of the reception of the candidates refugees, human dignity is respected.

**XX** demands:

- that the current immigration policy be re-examined in order to obtain a coherent policy on a European level
- that asylum seekers - in the name of the principle of equality- have at their disposal the means required for the instructions of their applications, under conditions safeguarding the respect of persons and of procedure taking into account real-life situations.
- that the policy of border control be accompanied by the implementation of human and material means suited to the requirements of the respect of the humanist values defended by the States.
- that the immigration and asylum policy be part of a revising of the North-South relations and of a development policy.

### **Europe, vector of peace**

Europe has a long tradition of human rights. The proclamation of the Charter of Fundamental Rights represents a step forward and is further evidence of it.

**XX** considers that:

- the implementation of a Europe able to make decisions in a democratic way and under a real parliamentary control is the requisite key for its international role for peace. Not to make Europe a bastion isolated from the rest of the world but to render prevailing the values of democracy, tolerance and solidarity without which peace is not possible.
- only a European Union capable of making political decisions while speaking with one voice will be able to intervene to have human rights respected and to make peace reign, not only in European area but also in the countries of the Mediterranean region with which the European Union has had close relation for a long time.

## **European foreign policy**

Currently, the Union is deprived of any political dimension or influence commensurate with its economic weight. Opinion polls conducted in the Union show that citizens want a strong Union, capable of projecting itself and defending its interests and its values outside of its borders.

A substantive and visible reinforcement of foreign policy and its coherence will provide an answer to that expectation and would incontestably be a factor of pacification in the European area and its immediate environment.

**XX** considers that in line with the decision to dispose of an operational European rapid deployment force, the Union should endow itself with the instruments of a common foreign policy, commensurate to the Union's importance in Europe and in the world, and capable of securing its cohesion after the enlargement.

## **IMPORTANCE OF CULTURAL CREATION**

The European Union is in search of a common identity.

There persists a trend to turn to what one calls the "communities of conviction", in particular religions and Churches. However the development of a society as well as the understanding and respectful approach of its various constituents, goes mainly through a cultural project. Such a project is necessary primarily to allow people to get to know their respective sensibilities and thus to understand each other better, even to appreciate, but mainly it constitutes an important factor of social cohesion.

**XX** considers that it is time for the Union to get provided with an ambitious project, in a spirit of dialogue between the different components of society.

Such a project must aim primarily to promote creation which will constitute an genuine bond between the European citizens.

## **ETHICS**

**XX** is concerned with preventing the notion of human rights to be diverted from its true object by extensive and improper use or interpretation. This problem arises particularly in two sensitive fields: that of the autonomy of decision as regards choices in life and that of bioethics.

**XX** considers for example, that it is unacceptable to use articles of the Charter to limit personal freedom regarding such delicate issues as the right to die in dignity or the possibility for women to terminate an unwanted pregnancy. Likewise to prevent research even on embryo or on the human genome no longer seems conceivable. If, for ethical reasons, measures of caution have to be taken, legislation will sooner or later be out of date because of the evolution of knowledge and then will be bypassed.

**XX** demands that the Union respects the different approaches to ethical matters.

## **DEMAND FOR SECURITY**

The security of citizens depends on a large number of factors which do not amount only to fight petty or serious crime and to the anti-terrorism fight. Security concerns also proper living conditions, employment, social security (illness, unemployment ...).

**XX** insists so that:

- the Union develops policies that make the citizens feel secure with regard to these different fields.
- the fight against serious crime does not lead the Union to excesses restricting individual freedoms and not respecting the foundations of the human rights.

## **FIGHT AGAINST EXCLUSION AND POVERTY**

Several European Councils have dealt with the struggle against poverty and social exclusion. The Council of Nice approved the objectives intended for the preparation of the plans presented in June 2001 by the member countries.

**XX** asks that all possible steps be taken to effectively implement the national plans. They should produce effect very quickly because the constant growth of poverty and of exclusion is unacceptable when Europe is one of the most prosperous regions of the world.

**XX** considers that the European Union can and must show the way to a more equitable way of life for all.

## **SCIENTIFIC RESEARCH**

In the field of scientific research, the Union must pursue research policies in the framework of international co-operation so that a high level of knowledge is maintained.

The implementation of the results of this research has to reduce the gap with regard to developing countries.

## **SUSTAINABLE DEVELOPMENT**

The concept of sustainable development has to embrace social, economical and environmental issues. Its implementation within and out of the Union, will allow the Union to play a crucial role in the evolution towards a more humane globalisation.

**XX** demands that the Union's objectives are pursued in the perspective of sustainable development, so that the needs of the present generation are fulfilled and at the same time the capacities of the future ones to answer theirs are not endangered. Such a development will tend to assure an acceptable balance between the economical demands, the improvement of the living conditions and the limits imposed by the physical environment and by the use of the natural resources.

## **REPRESENTATION OF CIVIL SOCIETY**

The number of non-governmental organisations (NGO's) is rising. They intervene more and more directly on the political scene. Their opinion is asked for on numerous matters: human rights, ethics, environment, health issues, development co-operation, ...

These NGO's have a legal personality in one or several countries of the Union and, in certain cases, can take advantage of the European Convention, established by the Council of Europe in 1986 "on the recognition of the legal personality of international non-governmental organisations (INGO's)".

**XX** considers that, on a European level, clear rules have to be established concerning membership, democratic organising, legitimacy of representation, transparency of financing and accounting, of the European INGO's.

## **PUBLIC SERVICES**

The public sector guarantees the equal treatment of all and constitutes an important factor for collective solidarity. Only a public sector capable of balancing the market forces by assuring the basic services to which every citizen must have access without distinction can prevent and reduce the social fracture.

**XX** wants :

- civil, social, cultural and educational responsibilities resulting from the Community policies to be assumed by public services and not by private bodies.
- public services and services of general interest to be guaranteed to all citizens without any exception.
- all necessary measures to be taken to reinforce the public sector in the following fields : education, culture, health, individual security, labour protection, environmental protection, assistance to disadvantaged persons, to the elderly and to the handicapped.