PRACTICING WHAT WE PREACH IN EUROPE

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Freedom of Religion is one of the most important fundamental rights, considered by the European Court of Human Rights as one of the foundations of a “democratic society”, and amongst the most essential factors that constitute the identity of believers, non-believers and their views on life. There is no doubt that every citizen in the European Union should be able to enjoy freedom of religion or belief, whatever faith he or she chooses, as well as to choose none.

Meanwhile, in the European Union institutions, many become extremely reticent when there is a question relating to concerns about freedom of religion or belief in our member states. Organisation of religion is a matter falling under the competence of national authorities, however we are not talking only about “organisation of religion”, we are talking about a fundamental right which is one of the most essential factors making up the identity of believers and their views on life. Without this right in place, other rights would lose their impetus and force from the perspective of EU believers and non-believers as they would not be able to be manifested through those rights either.

We abide by the European Convention of Human Rights. We abide by the Charter of Fundamental Rights of the European Union, which recognizes, of course, freedom of religion as one of the fundamental rights, but also the non-discrimination principle, including based on religion or belief, which is a basis for all EU legislation.

We have created guidelines for the protection and promotion of freedom of religion or belief. We criticize others, often with good reasons, and we have started to be active in that field in regard to EU diplomacy.

Now we need to ensure freedom of religion or belief in the EU member states, in and emanating from European Union institutions. We need to uphold and defend the freedom of conscience and religion of all individuals by rejecting and speaking out against bigotry, discrimination, harassment and violence. This is the reason for the Faith and Freedom Summit campaign.

Anyone joining the campaign will prove that, the right to freedom of religion or belief, and the right to not being discriminated on the basis of anyone’s religion or belief, will be defended vigorously, as never before.

The articles you will find in this magazine have been written by renowned specialists, and will give you so many reasons to support the campaign, that we hope you will join, whoever you are, whatever your political party is.
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by Greg Mitchell

Founded in 2009, Project Maja is a social action programme bringing together leading politicians and activists from across the world to participate in community led voluntary projects: from building sports facilities in Turkey’s Gaziantep refugee camp, to refurbishing schools in Srebrenica.
Weave Freedom of Religion and Belief into the DNA of the European Union

FIGHT RELIGIOUS AND NON-RELIGIOUS EXTREMISM IN ALL ITS VARIATIONS

The right to Freedom of Religion or Belief (FoRB) is an appropriate identifying characteristic for Europe; we should be working it into the DNA of the European Union.

That every person may have his own religion or world view, and may choose and change it, even openly and not secretly, whether it is of the majority faith surrounding one or whether one belongs to a tiny minority, and that such convictions are neither prescribed by the state nor imposed by other societal forces, counts as one of the central prerequisites of being free. A modern democracy without religious freedom is not conceivable. The “Arab Spring” suffered from a lack of FoRB and thus could not lead to a fully-fledged democracy.

FoRB is profoundly tied to other fundamental rights such as the freedom of conscience, the freedom of opinion, the freedom of speech, the freedom to assemble, and the freedom of the press. A secular democratic constitutional state which presupposes the separation of religion and state, can only be a free state if it champions FoRB, allows religion or belief to act in the public arena and does not fight the religious and non-religious views of its citizens.

Religious freedom is not only a complementary match to a secular democratic constitutional state, it is also the prerequisite for religious peace. It is necessary for the absence of civil war or war which is religiously motivated, or world view-motivated. This is due to the fact that religious freedom cannot emerge when religious communities or non-religious people are forced to renounce their own understanding of truth or must agree on “a truth” to the extent that the differences in belief almost disappear. It is generally known that denominations of the same world religion, whose “truth” was quite close to each other, nevertheless have frequently conducted religious wars against each other, while in many places religions with widely divergent “truth” lived in peace together for long periods. It is rather through the willingness to demonstrate religious freedom, which includes publicly displaying one’s own religion peacefully, and in coexistence with adherents of other religions and world views that peace can come about. Furthermore, this means transmitting religion through discourse, not through the aid of state power, or by violence, or coercion against those who think differently.

FoRB is not in the DNA of Europe. Europe has not attained this right better than all other continents, for example large parts of Latin America have achieved more. And it is not in the DNA of Europe because there would be one way that it is standardly implemented across Europe. European history
That the idea and practice of FoRB in different regions and countries in Europe is moving closer towards each other, is - with all its shortcomings - mainly due to the Organisation for Security and Europe – growing from the treaties between the parties of the cold war, in which FoRB played a prominent role, and due to the European Council and its European Court for Human Rights with major decisions on FoRB.

The European Union has started to champion FoRB worldwide through its own special envoy, even though I wish he would have more resources available. But it is time that the European Union champions FoRB in its own ranks and proves, that it is at least as dedicated to bringing FoRB to every last corner of the EU, as both the OSCE and Council of Europe are.

A human right always means that the State defends the rights of those peacefully using it, but at the same times battles with all legal means those who violate the rights of others or want to destroy those rights altogether. This is true for FoRB too. It might be adherents of the same religion the State has to protect and has to stop, for example the peaceful believers and religious extremists using violence against others. Migrants need to find Europe as a safe haven for practicing their faith or world view, and also to find that a strong state will protect FoRB against religious and non-religious extremists of all kinds.

In today’s Europe, there are still too many people who want to make use of FoRB for their own religious or world view community and enjoy that privately, but do not seek and defend it for others. It is a noble task for any member of the European Parliament to help to spread the idea that FoRB for others is the best way to protect one’s own FoRB and that FoRB for all is a road to a peaceful society.

That every person may have his own religion or world view, and may choose and change it, even openly and not secretly, whether it is of the majority faith surrounding one or whether one belongs to a tiny minority, and that such convictions are neither prescribed by the state nor imposed by other societal forces, counts as one of the central prerequisites of being free.

Rather, FoRB should be part of the DNA of the EU, above all, due to the fact that the fundamental values that hold Europe together were essentially achieved in the face of what used to be the lack of FoRB and its devastating consequences of wars and enmity between religious confessions as well as atheistic world views trying to overcome religion altogether. Generations have worked for it, many brave people have suffered for it. Far too many left for America generations ago to find the freedom they did not have in Europe. The way to religious freedom in the North & West, in the South & East of Europe has historically been a very different one, the collapse of the Soviet Union and its satellite states being the youngest triumph of FoRB, among other things.
Europe has a moral and legal duty to protect freedom of religion or belief

After the horrors of World War II that resulted in millions of deaths and a continent left in ruins, a few visionary European leaders decided that peace, prosperity and progress would only come if war is replaced by trade, and nationalism is focused on the protection of individual human rights.

That change in direction brought results that were beyond expectations. The EU became a reality and in decades, it not only became a model for personal freedom, acceptance and respect for an individual’s choice of culture, religion, tradition and lifestyle but also developing countries started looking up to this amazing transformation where Europe turned from ashes to riches.

Today, the EU consists of 28 countries with a population of 510 million citizens who enjoy the fruits of a single market through a standardized system of laws that apply in all member states. EU policies aim to ensure the free movement of people, goods, services, and capital within the internal market, enact legislation in justice and home affairs, and maintain common policies.

Until recently, one of the main achievements of this development has been the freedom of religion or belief and its practice without fear or reprisals. Although Christianity is the main religion of Europeans, many other faiths, religions and traditions did flourish in the continent.

Islam today is the second largest religion in the EU, Europe and the world. Muslims have lived in Europe since the 8th century but many came here during the industrial boom of the sixties and since the eighties many have come as asylum seekers. In a large number of European countries, nationalist movements, populist politicians and media played a central part in instigating enmity, hate crimes, and hate speech against Islam and Muslims.

There are a number of surveys, reports and documentaries that have proven the accelerating incidence of Islamophobia in Europe. Unfortunately, Islam is not the only religion that is the victim of religious bigotry today. Smaller religions, like Scientology, Hara Krishnna, Jehovah’s Witness and many more are being treated unfairly and not given the recognition they deserve. Belgium has an official list of 182 religions that are called sects by the authorities and are kept under strict watch. In short, it is the states that decide what is a religion and who can be accepted as such. The criteria are not the usefulness of a religion or belief but how media and politicians perceive these.

This negative narrative flies in the face of European insistence that human rights are not appropriately practiced in the developing countries. Criticism of these developing countries by the EU often seems like finger pointing and scolding instead of a sincere or diplomatic critique.

Human rights are alpha and omega for any democratic country to function but if we want to give lessons to countries outside the EU on religious freedom, our own record at home needs to be beyond reproach.

In today’s cosmopolitan and interconnected world, Europe cannot and must not have double standards when it comes to religious freedom and protect the rights of those who belong to minority faiths.
That means that the EU must create mechanisms in order to locate and take into account freedom of religion or belief violations within the EU. For this, there is a need to recognize that there are problems of discrimination on the basis of religion not only in employment but in the whole society. Additionally, EU stakeholders must take a position in favor of freedom of religion, and pledge to defend it while performing their duty. In practice that means that they must be consistent in preserving freedom of religion or belief for all and to demand the same from the institutions through which they work. They must defend the right of parents to educate their children in conformity with their religious and philosophical beliefs, as enshrined in the European Convention on Human Rights. They must ensure legislation and policy does not encroach the fundamental rights of European citizens to freedom of religion or belief. Whenever possible, we have to subscribe to the principle of reasonable accommodation for religious persons to be able to live their faith with dignity. We definitely must speak out against intolerance (including religious hatred that incites discrimination), and foster religious freedom and pluralism by promoting the ability of members of all religious faiths to manifest their religion and contribute openly and equally to society. Last but not least, they must foster initiatives to increase religious literacy, to cultivate knowledgeable staff who are informed about religions and beliefs in all public institutions.

We also suggest that in order to achieve the goals, EU should launch an entire campaign “no discrimination for your beliefs” throughout the European Union Institutions, as well as in Member States. It should also create a Parliamentary Intergroup on Discrimination Based on Religion or Belief in the EU, at the level of the EU Parliament. The FRA (Fundamental Rights Agency of the EU) should appoint a task group to tackle the topic of discrimination based on religion or belief which is part of its multi-annual framework for 2018-2022. The EU should also finance a full research project by academics on discrimination based on religion or belief in the EU that would formulate recommendations for EU institutions. Additionally, the EU should create an open platform gathering members of the FRA, members of the EU Parliament, civil society partners, members of the EU Commission, and religious stakeholders, which will be in charge of monitoring discrimination based on religion or belief issues in EU member states. The EU Commission should also create a task force to put into action article 17 TFEU which should enable open, transparent and regular dialogue between the EU and religions, focusing on dialogue with religious and belief minorities in order to be able to propose changes to the EU legislators. And finally, why not create EU guidelines to protect EU citizens against discrimination based on religion or belief to be approved by the Council?

These suggestions may sound far-fetched but if the EU wants to represent all communities in its borders, it is imperative that it acts now as it has done by establishing offices to tackle anti-Semitism and Islamophobia in 2017. The EU has means to do so and can set an example for the world to follow. All it needs is action. Those who are given much are expected to share it.
When speaking of religious freedom, or any fundamental right, we must bear in mind that there are two agents involved. In the first place, the natural or legal persons that are holders of that right and therefore enjoy that freedom and, on the other hand, the state or supra-state institutions, which must guarantee the exercise of this right within the framework protected by the law. The two agents, therefore, have their responsibilities in the sacred task of ensuring that freedom, or as the slogan that brings us together says of “practicing what we preach”.

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WE LIVE IN THE WORLD IN GENERAL AND IN EUROPE IN PARTICULAR. IN TIMES OF UNCERTAINTY THAT NEED MESSAGES AND MORAL RESPONSES THAT DO NOT HAVE TO COINCIDE WITH WHAT THE MAJORITY DECIDES, BECAUSE TRUTH AND BEAUTY SHINE BY THEMSELVES.
Let us first go to what corresponds to the institutional agents. The recognition, protection and guarantee of religious freedom is a necessary presupposition in any State or international organization that is based on democratic principles and respect for the dignity of people. Therefore, it is an intrinsic presupposition in any democratic country, whether or not it belongs to the European Union, although the member states of the EU should be world leaders in this matter.

Without intending to make an exhaustive analysis of what this idiosyncrasy or institutional way of being requires, a State based on those pillars cannot interact with religious confessions from any discriminatory parameter, that is, by expressing favouritism or prejudice towards religious groups. It is not that they have to apply equal treatment hermetically. Political norms and attitudes may establish differences in treatment, but these differences must be based on a logical, justified and proportionate reason. Otherwise, we would be facing discriminatory treatment.

States that assume the role of the theologian and define what is religious or not, based on the number of followers of a group, or in any other consideration, are missing their duty of religious neutrality and therefore their duty to protect the freedom of beliefs of groups and citizens.

The States of the EU, and the EU as a supranational institution, should reach a consensus, albeit minimal, regarding the limits to the exercise of religious freedom. For that, it would not hurt to have the most liberal countries as their patrons, that is, to have the least restrictive criteria regarding the application of limits to religious freedom.

In principle, it does not seem so complicated. If a group considers itself as a religion and its practices or creed do not harm the fundamental rights of citizens or public order in the sense of order that respects the dignity and freedom of people, the State should recognize it as such and protect the manifestations of their freedom of belief. As we know, that does not always happen. Some States have been undergoing a kind of crusade against religious groups that they label as sects or sectarian offshoots using arguments with little power of legal persuasion. You cannot criminalize a group for alleged illegal activities carried out by one or several members. The only legitimate reason to be able to disqualify a group, no longer as religious, but as a legal entity, would be if it were proven that in an organized and structured way it pursues the achievement of objectives or acts or the use of illicit means.

As regards to religious communities, it is praiseworthy that they fight in favour of the recognition of the exercise of their freedom of belief and against the repression of manifestations of it. However, as active agents of society, they should not be absorbed in legal struggles at the expense of the exercise of their message, that is, prioritizing the legal struggle over the content of their creed, that is, about practicing what they preach. An example of this is given us by the first Christians, who during several centuries in which they lacked religious freedom, among others, could erect a moral building with blood, faith and illusion that has remained in history, resisting even the incongruities of their institutions.

We live in the world in general and in Europe in particular, in times of uncertainty that need messages and moral responses that do not have to coincide with what the majority decides, because truth and beauty shine by themselves. Without wishing to be exhaustive, among the challenges posed to Europe that are on the table we can mention three: dignity, community challenge and equality.

For some years now, rivers of immigrants who have escaped from wars and hunger have come to our borders asking for asylum and refuge. The response of a democratically elected government a few days ago, closing its ports to a ship loaded with drifting human beings, is something that jeopardizes the idea of human dignity.

Rampant individualism in our societies is replacing the ideal of the group as an embodiment of the social nature of man. We are witnessing a devastating phenomenon in our societies. In many areas, the only group reality is families and many of them are broken or self-absorbed. The associative phenomenon, political, social, cultural or religious participation are in crisis.

And finally, recent waves of gender violence or labour and social inequality between men and women question the principle of equality proclaimed in all constitutions.

These are but a few examples of the challenges that we have before us related to the struggle for dignity, solidarity and equality. In short, the struggle for beauty and personal growth. In an environment in which it seems that the only ones legitimised to act are political parties, religious groups have much to say on this plane. Even if it would only be to make true what this wise motto that brings us together prays: “Practicing what we preach”.

RIVERS OF IMMIGRANTS WHO HAVE ESCAPED FROM WARS AND HUNGER HAVE COME TO OUR BORDERS ASKING FOR ASYLUM AND REFUGE. THE RESPONSE OF A DEMOCRATICALLY ELECTED GOVERNMENT A FEW DAYS AGO, CLOSING ITS PORTS TO A SHIP LOADED WITH DRIFTING HUMAN BEINGS, IS SOMETHING THAT JEOPARDIZES THE IDEA OF HUMAN DIGNITY.
The Union as an instrument for freedom or repression. Which way will it go?

I s freedom of religion or belief important? If so, why do some consider it one of the most important of rights? And why would it be important to grant this a far greater priority?

Within the European Union setting it is perhaps one of the least emphasised rights. Yes, there is now a Special Envoy for Freedom of Religion or Belief... but only outside of the Union and whilst that is, of course, very good in itself, it is not enough. Are we so perfect within the Union that EU countries should be excluded from scrutiny? To think that we are above examining our own actions is both damaging and arrogant.

So why is there reticence from European States and political appointees in engaging more deeply with this right?

Is it the wide range of constitutional structures that spreads from secular to constitutional monarchies to states that give special privilege to certain churches? Are these structures too conflicting to coalesce into a single European perspective? If so, why do some consider it one of the most important of rights? And why would it be important to grant this a far greater priority?

Or is it the fear of established churches that are concerned they may lose privileges granted by the state? My view is that we are not looking to deconstruct national constitutional structures where established churches play a legitimate role in their country’s social systems and cultures, or indeed reconstruct where they now have no role at all. There is too much history, tradition and social value embedded into these structures that spreads from (and so underplay) such freedom.

But I can explain why a political institution should care about that which is most central to the life of its citizens, their own reasons for existence beyond that of the state itself, their core religious and philosophical raison d’être, and why the State may be jealous of (and so underplay) such freedom?

At the core of our rights system and especially the right of freedom of religion or belief is the concept that each individual is a free being and should not be subject to the slavery or domination of another, much less a political structure. Rights also cover freedom of expression and assembly, but freedom of religion or belief goes deepest and to the very core of each one of us as individuals. Whether you ascribe such a right to the creator of this universe or whether you consider these to be natural rights inherent to life, the result is the same – you have an ultimate right to freedom of existence.

Invariably underpinned by your belief system. The only limitation may come from living in society with others where rights are by necessity subject to certain restrictions that are balanced against the rights of others.

Governments and institutions (or rather, perhaps, individuals within them) may be jealous of this right as it puts the individual beyond the reach of the state. This is very clearly manifested through the actions of any totalitarian regime where freedom of religion or belief is at best unduly constricted and very often violently repressed. What better way then, to ensure a free society and to weave into its very structure, than to create a place and position for freedom of religion or belief at the highest level of importance? This must be reflected within its political instruments to make sure it cannot be violated - forever a bulwark against repression and forever a light of vigilance against incursion of individual hope and dignity.

It is for this reason that the European Union must firmly integrate freedom of religion or belief into its political processes – not to judge or discriminate – but to protect and eschew abuses of religious freedom. The State, or in this case, the union of states called the European Union has to fully take on board these principles, to endow within the safeguards it adopts the power and the teeth it needs to ensure them and not simply give them a passing nod.

We sometimes forget that first and foremost in our community of people living together we should be protecting the spirituality of individuals (from a religious perspective) or the individual’s utmost integrity (from a non-religious view) above and beyond the dictates of the state and other individuals who have throughout history risen to positions of power within a state and used such structures to restrict and enslave one’s fellows.

The State (or Union) is there to protect the individual within it.

It has no other purpose than to make things run smoothly along certain agreed upon lines. It is not the master of our destinies but a tool which we use to create a future in cooperation.

English writer and Christian academic C.S Lewis wrote:

“There are no ordinary people. You have never talked to a mere mortal. Nations, cultures, arts, civilization—these are mortal, and their life is to ours as the life of a gnat. But it is immortals whom we joke with, work with, marry, snub, and exploit—immortal horrors or everlasting splendours.

So let us ensure that our structures are pointed towards the everlasting splendours and are protected against the immortal horrors by safeguarding freedom of religion or belief. We have had enough immortal horrors in our history to last many a lifetime.”
New religious movements and religion-based refugee claims in Europe

The European Union is our common home, and we should defend it against its old and new enemies. Sometimes, the most radical “eurosceptics” may serve consciously or unconsciously an agenda dictated by foreign powers, which are no friends of human rights or religious liberty. At the same time, if it wants to resist criticism and be effective in its advocacy for human rights outside of its borders, the European Union should put its own house in order. We cannot preach outside what we do not practice inside.

Much is commendable in European attitudes towards religious freedom, and one of the reasons immigrants come to Europe is that it offers more religious liberty than most African or Asian countries. We should acknowledge this liberty, and we are rightly proud of it. Yet, not everything is perfect, and there are at least areas in need of serious re-examination.

The first is hate speech against minority religions, which may easily degenerate into violence, the more so when hate is fueled or tolerated by political leaders or parties looking for cheap electoral benefits. Unfortunately, anti-Semitism has not disappeared in Europe. Islamophobia raises its ugly head every time it appears in Europe. Islamophobia and anti-Semitism has not disappeared in Europe. Unfortunately, anti-Semitism has not disappeared in Europe. It is no secret that the laws ban a certain religion, and that co-religionists are in jail for the simple fact of being members of that religion. One person’s “cult” is just a label used to discriminate against unpopular groups. The second problem is discrimination against new religious movements branded with the derogatory label of “cults.” Scholars warn that there is no accepted distinction between “cults” and religions. One person’s “cult” is another person’s religion, and too often “cult” is just a label used to discriminate against unpopular groups. It is true that crimes are committed using religion as a pretext, but this happens within “old” religions and not only among new religious movements. The fact that certain European countries finance the international anti-cult organization FECRIS, which now appears to be heavily influenced by a radical faction of the Russian Orthodox Church, is a cause for concern. The Church of Scientology, which has been recognized as a religion in most European Union countries, is discriminated in Hungary under various weak legal pretexts. The European Court of Human Rights has censured European Union countries that tried to improperly use tax laws to limit the activities of the Jehovah’s Witnesses or other groups they regard as “cults.”

The third problem, and the one my organization ORLIR deals with, concerns about religion based refugee claims. These are hard times for refugees in general, and I acknowledge the need of distinguishing between real asylum seekers and illegal economic migrants who try to hide under false religious persecution claims. However, it is a fact that religious persecution is rampant in the world, and it generates a constant flow of asylum seekers, from the Ahmadis persecuted in Pakistan to the Yazidi women and men who are enslaved and killed by ISIS. The European Court of Justice and the European Court of Human Rights have repeatedly censured European Union countries that misinterpret international conventions on refugees and request that the asylum seekers prove that they have been personally persecuted in the home country. In fact, fear of persecution is enough, and the fact that the laws ban a certain religion, and that co-religionists are in jail for the simple fact of being members of that religion, should suffice to prove that the fear is reasonable, even when the asylum seeker was lucky enough to escape before being identified and arrested.

I am also assistant editor of a daily news magazine about religion in China called Bitter Winter (bitterwinter.org). Lately, a lot of religiously persecuted refugees come from China. They often encounter problems in obtaining protections in Europe. They often speak only Chinese, and the most persecuted groups have been hit by massive campaigns of fake news depicting them as criminal or terrorist. This is true for the Muslim Uyghurs and for the Christians of The Church of Almighty God. More than 1,500 members of the latter Church have applied for protection as refugees in the European Union, and less of 10% of the applications have been granted. Happily, as scholars and human rights activists debunk accusations of crimes as fake news, the situation is improving. Courts of law often cancel the negative decision of administrative refugee boards and grant the requested protection. But much remains to be done. Whether we can welcome those who are persecuted in their countries because of their faith is one of the first tests of how really committed we are to the sacred principle of religious liberty and humanitarian protection of persecuted people.

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How much should there be on religious freedom in Europe?

FoRB history

For millennia, religions in Europe were at the heart of policy making. But now we have grown out of that; so we assume. The Reformation was not the only cause of questioning the validity of the power of the church in society. Napoleon with his ideas of Laïcité and separation between Church and State was also very influential. And not to forget the upcoming trend towards democracy in Europe. The power of definition has shifted from church to the populace. Now that is done, is religious freedom still necessary in Europe? Does society need churches?

The above arguments assume that religious freedom is the same as power for religions. But this is not what FoRB (Freedom of Religion or Belief) is all about. It is about the opinion of each citizen. It is not just about freedom for religions, but freedom for believers and non-believers alike. Freedom of religions is akin to a person following the dictates of his/her conscience; within the bounds of law, of course. It includes the freedom to express oneself and the freedom to join or leave a religious movement without any form of retaliation or punishment. It should include respect, or at least tolerance from his/her neighbors, as well as legal protection and protection by the magistrates.

And, really, it is an old idea. It is mentioned in the New Testament, and believe it or not, it used to be an important element in Iranian history under Cyrus the Great in the 6th century B.C. He was to have said: Whenever you can, act as a liberator. Freedom, dignity, wealth—these three together constitute the greatest happiness of humanity. If you bequeath all three to your people, their love for you will never die. And word has it that Emperor Constantin the Great of Rome introduced religious freedom for all Christians and others.

In Europe, too, we lived by Ius Naturale (Natural Law) for centuries. This Roman law not only gave humans the natural right to decide, but gave them responsibility for their actions, and thus made them accountable to incur punishment for misbehavior. Moreover, these so-called freedoms, even for us, modern Europeans, are at the heart of all laws, and the root of the rule of law on our continent. Take these freedoms away, and humans change into animals at best, and utilities at worst. This is the reason that in all EU member states, Religions Freedom is part of our constitutions; and by agreement all European nations have signed the Universal Declaration of Human Rights, Art. 18, and the EU Charter on Fundamental Rights, Art. 10.
all European Nations have signed the Universal Declaration of Human Rights, art. 18, and the EU Charter on Fundamental Rights, Art. 10. Besides, in First World nations Freedom of Religion or Belief causes all positive indicators to go up. There is a link between FoRB and the happiness and health of people, as well as economic growth. Freedom of Religion of Belief is plain good business and healthy for every politician.

Issues to deal with within the EU

And yet, in ALL EU states we constantly come across nations and organizations trampling on the law with their feet. Here is a short summary of things we need to realize how serious the many cases are within their own boundaries. Not one EU nation complies with all FoRB laws and agreements. The ECHR in Strasbourg is understaffed in its ability to handle the myriad cases. At the same time, EU nations find it much easier to point the finger at non-EU nations. And while we are glad these fingers are pointed, there is a special need amongst EU nations to work together and support each other on the road to complete Religious Freedom, tolerance of believer and non-believer, and even respectful disagreement with others. Here are some possible remedies:

- Commit yourself to never turn Freedom of Speech into Hate-Speech. Make a personal pledge to treat all people equally, and to refrain from name calling or hate-speech; especially regarding those whom we do not agree with.
- Let each nation appoint some sort of Human Rights Ambassador and have them work with each other to mend the issues.
- Use Toledo Guiding Principles on Teaching about Religions and Beliefs in public schools, prepared by the ODHIR Advisory Council of Experts on Freedom of Religion or Belief.
- Tackle blasphemy, insult and hatred in our democratic society.
- Help colleagues from member States find their path towards compliance to EU agreements. Learn the issues from their perspective and find solutions together. Share best- and worst practices.

Remedies

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How business helps advance religious freedom and interfaith understanding

Businesses bring people together for a common purpose that transcends cultural, ethnic and religious identities and unites people in a common enterprise where differences give way to shared purpose. Indeed, businesses have the resources and incentive to bridge differences and bring people together because business is at the crossroads of culture, commerce and creativity.

Wells Fargo Bank recently identified four important market transformations. The first three relate to global economic recovery and technology. But the fourth is that business will shift from primarily being about “making money” to being about “doing good”.

In September 2013, former United Nations Secretary-General Ban Ki-moon set up the UN Global Compact Business for Peace platform to harness the largely untapped potential of businesses to bring people together and build peace while they grow their bottom lines.

That’s the theory, but what about the practice?

Don Larson, a former Vice President at The Hershey Company and founder and CEO of the Sunshine Nut Company, motivated by his faith, started Sunshine Nuts in Mozambique. While it used to be a worldwide leader in cashew production, Mozambique is now one of the world’s poorest nations. Banking policies and civil war led to extreme poverty across religious and cultural lines, leaving many widowed mothers and over 1.6 million orphans throughout the country. Working with Muslims, Christians and others, Don Larson is using understanding, togetherness and peace.

RECOGNIZING AND DRAWING ON THE RELIGIOUS IDENTITIES AND SENSITIVITIES OF EMPLOYEES CAN HELP COMPANIES SUCCESSFULLY NAVIGATE CHALLENGES AND SEIZE NEW OPPORTUNITIES.

helping to revive Mozambique’s economy and reverse the trend in broken families. Inspired by his faith and the belief that companies can have a profound impact, Don is working with people of all faiths to transform lives by helping provide jobs for over 50,000 people and by donating 90% of his profits to support orphans, empower farmers, and strengthen the local infrastructure, helping to bring interfaith understanding, togetherness and peace.

Recognizing and drawing on the religious identities and sensitivities of employees can help companies successfully navigate challenges and seize new opportunities. A study from the UN Global Compact Business for Peace platform and the Religious Freedom & Business Foundation shows how businesses, often at the initiative of people of faith within companies, can promote interfaith understanding and peace. And it is happening in countries as diverse as Nigeria, Brazil, Israel, the Philippines and Indonesia, as well as in the tense border between India and Pakistan.

The study pointed to at least four distinct ways business brings people together. First, businesses use marketing to build bridges between people. Companies can make positive contributions to peace by mobilizing advertising campaigns that bring people of various faiths and backgrounds together. 

Brian J. Grim, Ph.D.
President, Religious Freedom & Business Foundation
In 2013, based on suggestions from employees, the Coca-Cola Company launched a project to promote understanding and dialogue by installing two “small world machines” in New Delhi, India, and Lahore, Pakistan, areas where religious tensions run high. Long separated by a border that has seen a number of wars, Indians and Pakistanis were able to use the machines’ live video feeds and large 3D touch screens to speak to and even “touch” the person on the other side. People on both sides of the border, who had never met before, exchanged peace signs, touched hands and danced together.

While some are skeptical that Coca-Cola’s campaign will have any long-term impact on relations between India and Pakistan, the company believes it is a step in the right direction, and it appears to be selling more of their product.

Second, businesses recognize and even reward others for promoting intercultural understanding. Cross-cultural dialogue and cooperation is an essential part of the daily operations for multinational companies such as BMW. In collaboration with the UN Alliance of Civilizations, the BMW Group offers an annual award for organizations that create innovative approaches to intercultural understanding, including interfaith understanding and peace. Among organizations that have won this award is a tour company in the Middle East, MEJDI Tours, which offers new ideas to build bridges and bring cultures together through collaborative Muslim-Jewish tourism in the Holy Lands. (1)

Aziz Abu Sarah & Scott Cooper, Co-Founders and Co-CEOs of MEJDI Tours, recognized that in many Middle Eastern countries, social and political tensions have spurred violence and unrest along religious and cultural lines. Each group within this struggle has a different narrative and understanding of what has led to current culture and conflict. Aziz Abu Sarah and Scott Cooper, co-CEOs and Founders of MEJDI Tours, recognize that allowing people to tell their story is a first step in fostering peace and cultural understanding. In Israel, for example, their “Dual Narrative” approach allows Israeli and Palestinian tour guides to offer varying perspectives on culture, religion, and politics at each location.

Third, businesses often pay attention to boosting workforce diversity. When businesses are sensitive to the religious and cultural issues around them, they not only make reasonable accommodations for faith in the workplace, but they can also address difficult unmet social needs. Businesses in Indonesia did this by organizing a mass wedding for interfaith couples who had lived without legal status and with no ready means to become legitimately wed. By obtaining legal status, thousands of interfaith couples can now access the public health service, obtain education for their children, and have expanded opportunities for employment. (2)

Fourth, businesses can provide support for social entrepreneurs. The business environment provides neutral ground for religious differences to give way to shared concerns of enterprise and economic development. For example, Brazilian social entrepreneur Jonathan Berezovsky, through his company, Migraflix, helps immigrants and refugees start enterprises that empower them and show their value to the local community. (3)

Because business is at the crossroads of culture, commerce and creativity, it is a powerful force for interfaith understanding, religious freedom and peace. It’s time governments and advocacy organizations understand the power of business for good.
Faith and Freedom Summit - Practicing what we Preach in Europe

The creation of the EU guidelines on the promotion and protection of freedom of religion or belief (2013) marked a turning point in the Union’s attitude toward this crucial fundamental right. However, while the guidelines specifically state that “the EU and its member States are committed to respecting, protecting and promoting freedom of religion or belief within their borders,” they are neither binding on the EU member states nor applicable to the internal affairs of the European Union. These are guidelines for external relations with non-EU states.

Working directly in the field of Freedom of religion or belief for more than a decade now, I have witnessed a strong reluctance from EU institutions and its agents, when it comes to tackling freedom of religion or belief within the EU. Many justifications are used, the more common being that it would not be within the competence of the Union, which is basically false. Freedom of religion or belief is a crucial right, and its respect reveals a great deal about the attitude of a country toward freedom in general. This is because what people believe is their most ultimate freedom. Their link to God, or to the ultimate sense of life, and the expression of these inner beliefs are the most profound richness of a human being.

This is what gives a sense to our life, whether we are religious or non-religious, and what allows us to deal with all other freedoms in the frame of what we choose to believe, or not to believe. When a State attempts to restrict the freedom of religion or belief of its citizens, by discriminating against certain religions, inhibiting the right to choose or change one’s own faith, that State demonstrates it does not want man to be free, in all its aspects. In such a State, we can also witness a degradation of all other freedoms as a consequence of the degree to which the freedom of belief of its citizens is inhibited.

IGNORANCE IS OFTEN THE REAL SOURCE OF DISCREPANCIES BETWEEN INTERNATIONAL STANDARDS AND REAL LIFE. IGNORANCE ABOUT RELIGIONS AND WHAT THEY ARE MIGHT BE THE FIRST GUILTY IGNORANCE.

Eric Roux
Chairman, European Interreligious Forum For Religious Freedom

In our world, I do not know one state that is perfect as regards this right. Some are better than others. However, there is progress needed everywhere, including in the European Union. Being a member of the clergy of the Church of Scientology for more than 25 years, I can definitely say that Scientology has had its share of unwarranted discrimination and infringements against the freedom of religion of its members. Nevertheless, I would never advocate solely for my fellow parishioners, as this would be contrary to what freedom of religion or belief really is. Freedom of religion has no religion. If one is advocating freedom of religion and belief, one has to understand that this is a fight that must be fought for all, always. This includes majority religions, minority religions, atheists, as well as “religious minorities that may be the subject of hostility on the part of a predominant religious community”, as stated in the General Comment 22 of the UN Human Rights Committee.

Islam nowadays has become the target of hate speech in European Union member states. Hate speech is one thing, but there is also real discrimination against Muslims in their daily life. In some countries, Sikhs face strong restrictions, as in France regarding their dress codes. Christians also may face discrimination, even where they could be considered as a majority religion. Jewish religious traditions are also in danger of being forbidden in some EU

Freedom of Belief is the key to freedom

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countries. In fact, the European Union is far from perfection as regards freedom of religion, and some EU countries are even quite bad on the subject. Our future depends on whether we will allow the situation to worsen, or will we assume responsibility for it, and effectively include it into the agenda of the European Union institutions, keeping in mind that that EU is legally bound to respect and enforce freedom of religion, by its core treaties, by the Charter of Fundamental Rights of the EU and by its commitment to respect the European Convention on Human Rights. This is not a question of political orientation. So far as I am concerned, I would never link this freedom to the left or the right, as it would be not only detrimental but also opposed to what we see in real life. Religious freedom defenders and advocates belong to the whole political spectrum. One of them should be to create a strong promoter and protector of freedom of religion or belief outside its borders, it goes without saying that we must put our own house in order. This is a question of credibility, and then a question of efficiency, in addition to being questions of legality, morality and human dignity, as it should be regardless of reference to our external mission. These are words, and these words need to be put into reality. That means concrete changes. One of them should be to create ways to increase the “religious literacy” of politicians and EU stakeholders. Ignorance is often the real source of discrepancies between international standards and real life. Ignorance about religions and what they are might be the first guilty ignorance. But also ignorance about what is freedom of religion or belief, what it encompasses, what should be good practices, and what it means in terms of the duty of a state and its representatives. I expect that real knowledge of these concepts would bring about a great deal of change, and programmes should be developed to increase them at EU level as well as state level. There are many other initiatives that could be taken to improve the reality of religious freedom in the EU. They are to be discussed and created. They should be one of the priorities of the Union. As if we do not tackle it now, it is likely to be much more difficult in the future within a Union where freedoms are degrading, which will for sure be the case as a consequence of not taking responsibility for protecting the most inner freedom of our human fellows. That is the reason for the Faith and Freedom Summit: Practicing what we Preach, which is not only an event, but a campaign that must lead to concrete and significant results in the future. 

Violsations of freedom of religion in the EU recognized by the ECHR

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reedom of religion is guaranteed by Article 9 of the European Convention on Human Rights, which binds the 47 member-states of the Council of Europe including the 28 members of the European Union (“the EU”).

It is only in the last twenty years that the European Court of Human Rights (“the ECHR”) has been seized of applications alleging a violation of Article 9, taken alone or in combination with other articles of the Convention or its additional protocols. Most are declared inadmissible for various reasons.

The infringement judgments delivered by the ECHR mainly concern non-EU states, in particular Russia, Ukraine, Moldova and Turkey. Some, though few, target EU members. They can be grouped into two chapters: manifestations of religion and religious organizations.
### The manifestations of religion

#### Proselytism

#### Denominational membership
- Decision of the State to “requalify” the membership of members of the Old Orthodox religion, leading ipso facto to a change of denomination (Miroļubovs and others v. Latvia, January 15, 2013).

#### Food precepts
- Refusal of the Prison Service to provide Buddhist detainees with meatless meals (Vartic v. Romania, 2, 17 December 2013).

#### Objection of conscience
- Denial of access to the profession of accountant for conscientious objector convicted of refusing to wear uniform (Thilimmenos v. Greece, 6 April 2000).

#### Port of religious symbols
- Temporary dismissal of an employee of a private company for refusing to conceal the Christian cross she bore (Eweida and Others v. The United Kingdom, January 15, 2013).

#### Third party attacks
- Insufficient police response to violent but regular protests by political party activists against Muslim-held Friday prayer meeting inside and outside a mosque (Karaahmed v. Bulgaria, 24 February 2015).

#### State relations
- Prolonged refusal to recognize the legal personality of a religious community, which had a long history internationally and was already known at the national level (Religionsgemeinschaft der Zeugen Jehovas and others v. Austria, 31 July 2008).
- Refusal to conclude an agreement with Reformed churches to provide religious classes in public schools and to obtain official recognition of religious marriages (Savez crkava “Riječ života” and others v. Croatia, 9 December 2010).

#### State relations
- Relocation to the status of “associations” of religious organizations previously recognized as “churches”, resulting in the loss of rights and privileges (Magyar Keresztkości Mennonita Egyház and others v. Hungary, 8 April 2014).

#### Financing organizations

### Religious organizations

#### Registration of organizations
- Refusal to exonerate from the payment of inheritance and donation taxes a religious community having the simple status of a “registered religious organization” and not of a “recognized religious society” (Jehovas Zeugen in Österreich v. Austria, 25 September 2012).

#### Choice of leaders
- Government intervention in choosing the leaders of the Muslim community (Hassan and Tchaouch v. Bulgaria, 26 October 2000).
- Organization by the government of a unifying conference of Muslims to end a schism and consequent selection of participants by the government (High Spiritual Council of the Muslim Community v. Bulgaria, December 16, 2004).

#### Government interference
- In a conflict tearing the Nation of Islam and was already known at the national level (Religionsgemeinschaft der Zeugen Jehovas and others v. Austria, 31 July 2008).

#### Injunction imposed by the police on a member of an evangelical community against holding meetings at her home (Dimitrova v. Bulgaria, 10 February 2015).
RELIGIOUS FREEDOM IN EUROPE
Trouble in Paradise

Everyone knows that European citizens have the strongest legal protections of their human rights of any people in the world. And yet there are reasons to question the commitment on the part of courts, governments and civil society to protecting our most basic freedoms. This is especially true as regards the freedom of religion.

Every European Union member state protects the freedom of religion as a constitutional right, both in legislation and social policy. Each has endorsed the principles contained in the Universal Declaration of Human Rights, and religious persecution and genocide were a central impetus to European leadership in the process of establishing the international human rights system. All EU states have ratiﬁed the International Covenant on Civil and Political Rights. All have joined the European Convention on Human Rights. All have signed on to the political commitments undertaken in the Helsinki Process, as members of the Organization for Security and Co-operation in Europe (OSCE).

And of course, EU members have pledged to adhere to the standards in the European Charter of Human Rights. The Charter incorporates a possibly wider array of rights and freedoms than any other human rights treaty; on the EU website, it is written that the Charter is a “very modern codiﬁcation” and reﬂects an “updated” array of human rights, suggesting an elastic quality. There are 50 substantive articles that make no division or conceptual differentiation between human rights to basic freedoms like the freedom of religion, and “solidarity rights” to things like “consumer protection” and “good administration” (whatever that is supposed to mean).

The Charter also protects “the right to access a free placement service” as a fundamental human right. We could ignore this as politics as usual, but the problem is that all European states have embraced the idea that all human rights are equal and indivisible, a utopian idea that has become a human rights dogma. Is the right to employment counseling just as important, just as paramount, as the prohibition against slavery or the right to freedom of religion? Or, put another way, are those rights no more important than publicly funded employment counseling?

More generally, aren’t our most cherished freedoms, the freedoms that allow us to make moral distinctions and judgments, and to take those into the political arena and to advocate for our vision of social justice, being diluted by this kind of human rights inﬁation?

I have raised this issue in public meetings with top United Nations and EU ofﬁcials, but they have just brushed it aside, and these problems are typically papered over by thought-terminating clichés. But we cannot be satisﬁed when ofﬁcial human rights dogma leads us toward a situation where something like the freedom of religion, arguably our ﬁrst freedom, the freedom of form a basic moral orientation, is equated with banal social policy. And we should bear in mind that with the dramatic expansion of human rights since the early 1990s, human rights campaigns globally have stalled, and indeed, human rights are even used as a justiﬁcation for restricting human rights. The esteemed Polish economist Leszek Balcerovic observed that we have more rights, but less freedom.

Since some human rights, like the right to employment counseling, are obviously not natural or inalienable rights, but rather those dependent on the state, there is a marked tendency to consider our fundamental freedoms as arbitrary and political, and all
human rights have lost their sacrosanct character. Indeed, one rarely hears any reference to natural rights in human rights discourse these days, and if we do it is when natural rights are fashionably denied. As American Professor Hadley Arkes wrote, natural rights are often claimed to be political and arbitrary, while the nonexistence of natural rights is seen as a hard, objective fact.

Another profound problem is that the freedom of religion, as well as other basic rights, is subject to numerous conditions and derogations in European human rights treaties. This tendency has led to a debasement of fundamental freedoms. The European Convention on Human Rights, set up as a bulwark against totalitarianism, confirmed that “Everyone has the right to freedom of thought, conscience and religion.” But the Convention says this freedom can be limited in the interests of “public safety...the protection of public order, health or morals, or for the protection of the rights and freedoms of others.”

The result is that it is too easy for the European Court to uphold interferences in religious affairs. Numerous European states are passing highly dubious laws restricting harmless manifestations of Islamic faith, and the European Court has given the green light for the process, one that is “part of an ongoing attempt to shame, provoke and marginalize Muslims.”[1]

I am not aware of any universal human right to “live in a space of socialization.” But it apparently trumps the freedom of religion. And in spite of all our treaties and charters, that could spell trouble for the freedom of religion in Europe.■

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The UDHR empowers us all: It establishes the equal dignity and worth of every person. It confirms that the State has a core duty to promote standards of life that enable us to exercise our dignity and equality, in larger freedom.

- Human rights are relevant for all of us, every day. Human rights include our rights to freedom from fear and from want, freedom to speak up, rights to health and education; and to enjoy the benefits of measures to advance economic and social justice.

- Ours is a shared humanity rooted in these universal values. We are interconnected. These human rights that we have in common, solidarizing with each other and fulfilment of human rights responsibilities are what bind us together on our shared planet.

- Equality, justice and freedom prevent violence and sustain peace. Respect for human rights, and sound, impartial rule of law to resolve disputes are at the core of development and peace.

- Whenever and wherever humanity's values are abandoned, we all are at greater risk. We are at a crossroads. Attacks on human rights by people who want to profit from hatred and exploitation erode freedom and equality locally and globally. This can be, must be, resisted.

- We need to stand up for our rights and those of others. Each of us can stand up. We can take action in our own daily lives, to uphold the rights that protect us all and thereby promote the kinship of all human beings.

The anniversary’s hashtag is #standup4humanrights. It builds on the UN Human Rights Stand Up campaign, which calls on people to take action for greater freedoms, stronger respect and more compassion for the rights of others.
As a result of globalization, the expansion and diversification of means of communication, and the increasing circulation and migration of persons and ideas, more and more people, societies and countries are becoming our close neighbors.

With the reunification of Europe after the demise of communism and the collapse of the Soviet Union, with the progressive enlargement of the European Union eastwards, and with the opening of the EU’s internal borders, societies have become increasingly multi-cultural and multi-religious. This diversity emerging in the 1990s and early 2000s has rapidly increased in the last fifteen years with the massive arrival of immigrants and refugees from war-torn Muslim majority countries. This new geo-political configuration in Europe is now posing an increasing challenge to present-day societies and cultures, and to constitutions and legislation that were carved in another time, in another environment, and for other purposes.

The EU and the hierarchy of religions and rights

The Treaty of Amsterdam (1997) provides that “The European Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.” The main consequence of this provision is that religious matters remain in the framework of domestic law and are not an EU matter. However, national laws can be problematic and questionable.

Most European countries have legislations that categorize religions, whatever the name they give to each category, and grant them or deny them a number of rights and financial advantages. This discriminatory categorization usually starts with the type of legal status to which religious or belief communities are allowed or denied to have access to on the basis of questionable criteria. This is the case for many EU member states which have inherited from their past a system of relations between state and religion that privileges a specific Church or a limited group of religious communities to the detriment of others: Austria, Belgium, Greece, Hungary, Italy, Poland, Portugal, Romania, Slovakia, Spain, and so on. A few examples:
In Belgium, there are two categories of religions and belief systems: state-recognized and non-recognized. The government officially recognizes Catholicism, Protestantism, Anglicanism (separately from other Protestant groups), Judaism, Islam, Greek and Russian Orthodox Christianity, Buddhism and secular humanism. Other religious or belief groups are only non-profit associations.

In Greece, the constitution recognizes Greek Orthodoxy as the “prevailing religion” and a category of “known religions”. Greece recognizes the Muslim minority of Thrace on the basis of the 1923 Treaty of Lausanne but not the other Muslims. All other religious movements have the legal status of civic associations. In Austria, a three-tiered system is in force: state-recognized religious societies, registered confessional communities and non-profit associations.

In Portugal, there are four categories of religions: churches and religious communities ‘rooted’ in the country, religious corporations, private corporations and unincorporated associations. This sort of categorization and hierarchy leads to the granting of more or fewer rights according to the “caste” to which a group belongs.

**Institutional discrimination**

The Treaty of Amsterdam (1997) forbids discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. In breach of this treaty, citizens and residents of EU member states can be victims of state discrimination when they are not affiliated to a religion of the upper category.

In some countries, the State only finances recognized religions with budgets provided by all taxpayers, including those who profess a non-recognized religion or who do not adhere to any religion or belief system. This system is not equitable in so far as all taxpayers contribute to the financing of one or a few faith communities, and there is no mechanism to prohibit the state from using their income tax to that end.

Within this unequal system of hierarchy, religious and belief communities that are not state-sanctioned are denied certain rights and opportunities. Depending on the country, their community may be:

- not eligible to receive state subsidies for wages, pensions, and lodgings of their clergy;
- not permitted to teach their religion in public schools;
- obligated to obtain work permits for foreign missionaries/preachers to enter the country for voluntary religious work;
- not entitled to have officially accredited chaplains in prisons, detention centers for asylum-seekers, hospitals, the armed forces, homes for elderly or handicapped, etc.;
- denied access to public media because it is reserved to recognized religions;
- denied equality of treatment by the tax administration;
- at times stigmatized as harmful sectarian organizations and warned against by state funded institutions.

While the UN instruments, the Council of Europe and the OSCE prohibit and fight discrimination, it is appropriate to recall that UN Special Rapporteur Abdel fattah Amor said in his report following his visit in Romania in 2003: “the principle of freedom of religion or belief... is difficult to reconcile with a formal or legal distinction between different kinds of religious or faith-based communities as such a distinction in their status must imply a difference in rights or treatment, which may, in some cases, constitute discrimination that is incompatible with the exercise of human rights.”

**Most European countries have legislations that categorize religions, whatever the name they give to each category, and grant them or deny them a number of rights and financial advantages.**

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**European Union Agency for Fundamental Rights (2017)**

**Percent of Muslims interviewed who had experienced discrimination within 5 years**

![Graph showing the percentage of Muslims who experienced discrimination within 5 years across different countries in the EU](image)
FREEDOM OF RELIGION OR BELIEF

A forgotten Right within the EU

The European Union has been founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. (Article 2 of the Treaty on the European Union).

And the Union’s aim is to promote peace, the above values and the well-being of its peoples. Article 3 of the Treaty provides that “In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens.”

Indeed, on 24 June 2013, the Union’s Foreign Affairs Council adopted the “EU Guidelines on the promotion and protection of freedom of religion or belief”. The reason they gave for their action was that freedom of religion or belief safeguards respect for diversity and contributes to peace and stability.

With these Guidelines, the EU reaffirmed its determination to promote, in its external human rights policy, freedom of religion or belief as a right to be exercised by everyone everywhere, based on the principles of equality, non-discrimination and universality.

If this aim sounds laudable and legitimate since violations of this right in external countries can bring social unrest and threats to public security inside EU countries, one can nevertheless wonder why this right is not enforced primarily inside the European Union. The reason for not doing so is justified at the outset of the Guidelines as follows:

In line with universal and European human rights standards, the EU and its member States are committed to respecting, protecting and promoting freedom of religion or belief within their borders.

Hence the EU Member States, in adopting these Guidelines assume that freedom of religion or belief is a respected right inside the EU since its Member States have committed to protect it. And they do not want the Union to look further into this matter, but Europe is to rather look for infringements in outside countries in order to lecture them as a champion in this field.

However, European States are condemned every year by the European Court of Human Rights for infringements of their commitments in this area.

In 2000, the European Union Charter of Fundamental Rights has been adopted and given the same value as the Treaties. However, the Treaty of the European Union (Article 6) lays out that its provisions “shall not extend in any way the competences of the Union as defined in the Treaties.”

This implies that the fundamental rights it provides are guaranteed only in areas where Union Law applies.

In particular, Union Law does not cover the status of religious minorities in the Member States. Article 17 of the Treaty on the Functioning of the European Union provides that “The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.”

This Article has been used to turn a blind eye on the “anti-sect” policy of countries like France, which has been championing not in defending the rights of religious minorities but in blacklisting them as “sects” and exposing them to public condemnation through media campaigns, not to speak of judicial harassment.

Although Article 17 of the Treaty also provides that “Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations”, this dialogue seems to be denied by the relevant service of the European Commission to religious minorities which have been labeled as “sects” in their home countries.

In conclusion, we can only hope that The European Union remembers that Article 10 of the Treaty on the Functioning of the European Union stresses that “In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation”.

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Faith and Freedom Summit – Practicing what we Preach in Europe

Patricia Duval
Human Rights Attorney, Paris

THE UNION RESPECTS AND DOES NOT PREJUDICE THE STATUS UNDER NATIONAL LAW OF CHURCHES AND RELIGIOUS ASSOCIATIONS OR COMMUNITIES IN THE MEMBER STATES.

THE UNION EQUALLY RESPECTS THE STATUS UNDER NATIONAL LAW OF PHILOSOPHICAL AND NON-CONFESIONAL ORGANISATIONS.

RECOGNISING THEIR IDENTITY AND THEIR SPECIFIC CONTRIBUTION, THE UNION SHALL MAINTAIN AN OPEN, TRANSPARENT AND REGULAR DIALOGUE WITH THESE CHURCHES AND ORGANISATIONS.
Reason for Action

The right to freedom of thought, conscience, religion or belief, more commonly referred to as the right to freedom of religion or belief (FoRB) is a fundamental right of every human being. As a universal human right, freedom of religion or belief safeguards respect for diversity. Its free exercise directly contributes to democracy, development, rule of law, peace and stability. Violations of freedom of religion or belief may exacerbate intolerance and often constitute early indicators of potential violence and conflicts.

Purpose and Scope

In line with universal and European human rights standards, the EU and its Member States are committed to respecting, protecting and promoting freedom of religion or belief within their borders.

With these Guidelines, the EU reaffirms its determination to promote, in its external human rights policy, freedom of religion or belief as a right to be exercised by everyone everywhere, based on the principles of equality, non-discrimination and universality. Through its external policy instruments, the EU intends to help prevent and address violations of this right in a timely, consistent and coherent manner.

Following a resolution adopted by the European Parliament in February 2016, the President of the European Commission Jean-Claude Juncker created the function of the Special Envoy for the promotion of freedom of religion or belief outside the EU. The “EU Guidelines on the promotion and protection of freedom of religion or belief” approved by the EU Member States in 2013 provide the policy framework for the Special Envoy’s mandate. They represent the essential tool to support FoRB in EU external relations and in EU international cooperation and development.

The Special Envoy supports implementation of these Guidelines with a special focus on country level action.

Treaty on the European Union

Article 2

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

Article 3 (ex Article 2 TEU)

The Union’s aim is to promote peace, its values and the well-being of its peoples.

In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens.

Article 6 (ex Article 6 TEU)

The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties.

The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties.

The rights, freedoms and principles in the Charter shall be interpreted in accordance with the general provisions in Title VII of the Charter governing its interpretation and application and with due regard to the explanations referred to in the Charter, that set out the sources of those provisions.

Treaty on the Functioning of the European Union

Article 7

The Union shall ensure consistency between its policies and activities, taking all of its objectives into account and in accordance with the principle of conferment of powers.

Article 10

In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Article 16 (ex Article 286 TEC)

Everyone has the right to the protection of personal data concerning them.

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall lay down the rules relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies, and by the Member States when carrying out activities which fall within the scope of Union law, and the rules relating to the free movement of such data. Compliance with these rules shall be subject to the control of independent authorities.

The rules adopted on the basis of this Article shall be without prejudice to the specific rules laid down in Article 39 of the Treaty on European Union.

Article 17

The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.

The Union equally respects the status under national law of philosophical and non-confessional organisations.

Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations.
Facilitating freedom of belief and practice in 21st century Europe

The fundamental rights of freedom of thought, conscience, religion, belief and non-belief as expressed in Article 9 of the European Convention on Human Rights (ECHR) and Article 18 of the Universal Declaration of Human Rights (UDHR), continue to represent an aspiration rather than a concrete description of practical reality in 21st century Europe. The mass movement of migrants and refugees to Europe is not at fault, a sexual assault or relate the honor of men and women or girls – their ability to make choices, direct their own lives, and structure their families – are concerned. Europe’s commitment to both religious freedom and human rights must recognize women’s participation in religious practice as well as the choice to forgo religious participation.

Finally, religion and religious practice can be a powerful means of integration and community building, allowing connections between established and emerging populations in a country. Dr. Julie K. Allen’s empirical work on religion and integration among African Christian women in Denmark (forthcoming in Scandinavian-Canadian Studies) provides the type of qualitative research that can inform effective government policy. Religious belief and practice can provide hope. Hope can be a powerful, positive motivator. At the same time, Europe’s history reminds us of the revolutionary force of religious belief and practice. While laïcité and secularism may be dominant belief systems in Europe today, religious wars and strife convulsed Europe in the past. Although neither secularism nor religion has a monopoly on the good nor on the vain deployment of violence, the current dominance of the secular belief system in 21st century Europe requires a recommitment to pluralism, a pluralism that respects and legally protects a diversity of religious beliefs and practices.
**INTERNATIONAL RELIGIOUS FREEDOM ROUNDTABLE**

The need to focus on religious freedom in Europe

Religious freedom is a universal value, strongly affirmed in international norms and law as an issue of justice and protection of minorities. But it is also in the vital self-interest of every state to advance it.

Religious freedom strengthens cultures and provides the foundation for stable democracies and their components, including civil society, economic development and growth, and social harmony. As such, it is also an effective counter-terrorism weapon as it pre-emptively undermines tribalism, polarization, balkanization, radical ideologies, religious nationalism and extremism, and conflict and violence. History and modern scholarship make it clear that where people are allowed to practice their faith freely, participate in the public square, and love and help “the other,” they are more likely to be good citizens and less likely to be alienated from each other and the government. Such conclusions are increasingly bolstered by empirical research.

It is becoming increasingly clear that advancing religious freedom should be a national and international security imperative for all countries and regions.

But while the European Union has adopted a strong commitment in favor of religious freedom in its external policy, too often, its internal application of this fundamental right is left lacking. According to the 2017 Annual Report of the U.S. Commission on International Religious Freedom, religious freedom issues in Western Europe include:

- Government registration requirements and monitoring of disfavored groups pejoratively labeled as “cults” or “sects”; government restrictions on and efforts to restrict certain forms of religious expression (such as places of worship, dress and visible symbols, and parents’ rights); the impact of hate speech and other laws on peaceful expressions of belief; and the impact of counterextremism policies on certain religious communities. Governmental restrictions on religious freedom both arise from and encourage a societal atmosphere of intolerance against the targeted religious groups, and limit their social integration and educational and employment opportunities. Alongside these restrictions, in recent years there has been an alarming rise in societal hostility toward Jews and Muslims in Europe, including discrimination, harassment, and sometimes violence, which further isolates and marginalizes these populations.

**The Faith and Freedom Summit: Practicing what we Preach in Europe**

Consistent with the purpose of this summit and the need to put freedom of religion or belief in Europe back in the spotlight, we propose the establishment of a network of multi-faith religious freedom and policy roundtables throughout Europe.

The multi-faith IRF Roundtable in Washington, D.C. is a model. It is a proven platform for bringing people together—despite deep political and theological differences—and building mutual understanding, respect, trust and reliance among groups, citizens and government. In fact, it is a model of good citizenship and demonstrating a socially-owned effort to respect and protect the religious other.

In each country, three elements, in particular, are critical to enabling a balanced and sustained effort to implement religious freedom locally:

- The government’s legislative body must pass laws that provide a legal structure that holds both the government’s executive branch and the people accountable, while linking them in a common cause;
- The government’s executive branch must enact and implement policies that enable individuals and groups to practice their faith, participate in the public square, and respect and protect others (without necessarily lending moral equivalency to someone who believes/behaves differently); and
- The society’s different groups, especially the faith communities, must organize themselves and work together regarding the various issues impacting all of them.

**Greg Mitchell**

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governance that will contribute to the long-term security and economic interests of Europe. All majority and minority religions work together and coordinate with the government on policy matters related to religion, peace, security and good governance.

Establishing such a multi-faith European initiative would bring faith communities together in continuous and ongoing dialogue, engage civil society and government leaders in the process, identify and focus on issues of common interest and multi-faith consensus, more effectively integrate religious freedom into domestic policy, reduce restrictions on religion, undermine radical ideology and deter violent extremism and terrorism, and increase stability, security, peace and prosperity.

Among the practical effects: lasting relationships are built, creating mutual understanding, respect and trust (the coin of the realm in complicated contexts); practical actions are taken together as citizens of the same country, despite deep theological and political differences; the Roundtable itself has become a model of citizenship and governance—every faith has a seat at the table, a voice in the process, and an equal opportunity to speak up, propose policy initiatives and invite others to support them; nobody is alienated or marginalized, and the platform is accepted and respected by governments.

Among the results: mutual reliance, multiple policy victories and greater social cohesion as the idea is lived and practiced—religious freedom is a non-partisan issue that serves everyone’s interests.

At the same time, these European roundtables should join and participate in a global network of multi-faith religious freedom and policy roundtables that is being established in connection with the upcoming Ministerial to Advance Religious Freedom, which is being hosted by U.S. Secretary of State Mike Pompeo in Washington July 25-26, 2018.
A FUTURE FOR EUROPE

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