



Resolution 1846 (2011)¹

Final version

Combating all forms of discrimination based on religion

Parliamentary Assembly

1. The Parliamentary Assembly notes that Europe, which has been historically shaped by monotheist religions, has become home to varied religious beliefs, including new ones. However, members of minority religious groups are vulnerable to intolerance and discrimination.
2. The Assembly reaffirms its strong stance against the persecution of religious communities and condemns all acts of violence based on religion, in Europe and elsewhere. It invites member states to take stronger measures to combat any discrimination on grounds of religion or belief.
3. The Assembly also reiterates its support for the separation of state and church (see Recommendation 1804 (2007) on state, religion, secularity and human rights and Recommendation 1396 (1999) on religion and democracy). The autonomy of religious communities is indispensable for pluralism in a democratic society, and governments should remain neutral and impartial vis-à-vis religions and beliefs. In member states where, for historical reasons, a specific faith has a leading role, other religious groups should not be discriminated against and the same criteria for the granting of legal status, where legally required, should be applied to all religious groups.
4. The Assembly recalls the Council of Europe's *acquis* in the area of freedom of thought, conscience and religion. The European Court of Human Rights has developed a comprehensive body of case law on Article 9 of the European Convention on Human Rights (ETS No. 5). The right to hold or not to hold a belief and to change religion as a matter of conscience is an absolute right. The right to manifest one's religion is not unlimited, but any restrictions on it must be "prescribed by law" and "necessary in a democratic society", and must pursue a legitimate aim.
5. Consequently, the Assembly calls on Council of Europe member states to:
 - 5.1. promote a culture of "living together" based on religious pluralism, in accordance with Article 9 of the European Convention on Human Rights;
 - 5.2. remain neutral and impartial in exercising their regulatory powers and in their relations with various religions; any preferential treatment given to some religious communities in view of their historical role must strictly comply with the case law of the European Court of Human Rights;
 - 5.3. grant all religious communities the possibility to obtain a legal status;
 - 5.4. abolish outdated legislation and administrative practices causing discrimination against certain religious groups;
 - 5.5. when enacting legislation and implementing appropriate policies, strive to accommodate the needs of different religions and beliefs in a pluralist society, provided that any such measures do not infringe the rights of others;

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 25 November 2011 (see [Doc. 12788](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Panțiru). See also [Recommendation 1987 \(2011\)](#).



- 5.6. adopt legislation to penalise hate speech and the use of violence against members of religious groups and religious leaders, in accordance with the recommendations of the European Commission against Racism and Intolerance (ECRI); such legislation should in particular make effective remedies available to victims;
- 5.7. ensure that investigative authorities conduct effective investigations into acts of violence based on religion or belief;
- 5.8. promote dialogue with religious leaders, including those of new religious communities, provided they support universal fundamental values of human rights, democracy and the rule of law.