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Violence against religious communities

Report[1]
Committee on Political Affairs and Democracy
Rapporteur: Mr Luca VOLONTÈ, Italy, Group of the European People's Party

Summary

The report expresses concern about the increase in violent attacks against religious communities throughout the world. It notes that there is not only physical, but also psychological violence against persons and communities because of their religion and it condemns such violence in unequivocal terms.

The Parliamentary Assembly has consistently drawn attention to the importance of upholding freedom of conscience and of religion as stated in Article 9 of the European Convention on Human Rights and in Article 18 of the Universal Declaration of Human Rights.

Member States of the Council of Europe are encouraged, *inter alia*, to reaffirm that respect for human rights, democracy and civil liberties is a common basis on which they build their relations with third countries and to ensure that a democracy clause, incorporating religious freedom, is included in their agreements with third countries.

1. Reference to committee: Doc. 12542, Reference 3761 of 15 April 2011.

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A. Draft resolution[2]

1. The Parliamentary Assembly is concerned about the increasing occurrence of violent attacks against religious communities throughout the world. It notes that there is not only physical, but also psychological violence against persons because of their religion and it condemns such violence in unequivocal terms.

2. The Assembly recalls that freedom of thought, conscience and religion are universal human rights enshrined in Article 9 of the European Convention on Human Rights (ETS No. 5) and Article 18 of the Universal Declaration of Human Rights, which every member State of the United Nations has committed to uphold: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in teaching, practice, worship and observance."

3. The Assembly also wishes to draw attention to Article 18 of the 1966 International Covenant on Civil and Political Rights and to the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief; moreover, it reaffirms the utmost importance of the autonomy of religious communities and of their separation from the State, as well as of the neutrality and impartiality of the State on religious matters.

4. The Assembly has consistently drawn attention to the importance of upholding freedom of conscience and of religion, which can only be subject to the limitations that are necessary in a democratic society. The following texts are relevant in this context: Recommendation 1162 (1991) on the contribution of the Islamic civilisation to European culture; Recommendation 1396 (1999) on religion and democracy; Recommendation 1720 (2005) on education and religion; Resolution 1464 (2005) on women and religion in Europe; Resolution 1510 (2006) on freedom of expression and respect for religious beliefs; Recommendation 1804 (2007) on State, religion, secularity and human rights; Resolution 1535 (2007) on threats to the lives and freedom of expression of journalists; Resolution 1580 (2007) on the dangers of creationism in education; Resolution 1605 (2008) and Recommendation 1831 (2008) on European Muslim communities confronted with extremism; Recommendation 1805 (2007) on blasphemy, religious insults and hate speech against persons on grounds of their religion; Resolution 1743 (2010) and Recommendation 1927 (2010) on Islam, Islamism and Islamophobia in Europe; and Recommendation 1957 (2011) on violence against Christians in the Middle East.

5. It recalls, in particular, Resolution 1510 (2006) on freedom of expression and respect for religious beliefs, in which it stated that "freedom of expression as protected under Article 10 of the European Convention on Human Rights should not be further restricted to meet increasing sensitivities of certain religious groups". It emphasises that, as a general rule, freedom of expression should not be restricted to meet the sensitivities of any group in a democratic society.

6. The Assembly also wishes to insist on the need to combat all forms of religious fundamentalism and of manipulation of religious beliefs, which are so often the cause of present-day terrorism. Education and dialogue are two important tools that can contribute towards the prevention of such negative and dangerous trends.

7. While it is generally accepted that religious communities are better protected in Europe than in Africa, Asia and the Middle East, there are still problems being reported in Council of Europe member States.

8. The Assembly therefore calls on member States to:

8.1. reaffirm that respect of human rights, democracy and civil liberties is a common basis on which they build their relations with third countries, and ensure that a democracy clause, incorporating religious freedom, is included in agreements between them and third countries;

8.2. take account of the situation of religious communities in their bilateral political dialogue with the countries concerned;

8.3. reaffirm that freedom of religion, conscience and belief is an essential part of the European human rights system guaranteed by the European Convention on Human Rights;

8.4. comply with their commitments and obligations to guarantee the full enjoyment of this fundamental right;

8.5. promote, both at national and Committee of Ministers level, a policy which takes into consideration the question of the full respect for, and the effective protection of, the fundamental rights of religious minorities in foreign relations;

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2. Draft resolution adopted unanimously by the committee on 14 March 2013.

8.6. accommodate religious beliefs in the public sphere by guaranteeing freedom of thought in relation to health care, education and the civil service;

8.7. ensure the right to well-defined conscientious objection in relation to morally sensitive matters, such as military service, in line also with various recommendations already adopted by the Assembly;

8.8. in full respect of the values that are the very essence of the Council of Europe, protect the liberty of parents, including *in loco parentis*, to ensure the religious and moral education and teaching of their children;

8.9. change their legal regulations whenever these go against the freedom of association for religious groups and churches;

8.10. ensure the full respect of Article 9 of the European Convention on Human Rights and that the freedom of religious communities is respected and exercised within the limits of the law.

9. The Assembly further urges all States in which violence against religious communities has occurred to:

9.1. unequivocally condemn not only attacks on innocent people, but also the use of violence in general, as well as all forms of discrimination and intolerance based on religion and beliefs;

9.2. pursue and reinforce their efforts to combat and prevent such cases and bring to justice the perpetrators;

9.3. promote correct and objective education about religions, including those of minorities;

9.4. actively support initiatives aimed at promoting the inter-religious dimension of dialogue;

9.5. ensure the effective protection of religious communities and of their places of worship, including those of minorities;

9.6. respect and protect the cultural heritage of the various religions.

10. The Assembly calls on all religious leaders in Europe to condemn attacks on religious communities and other faith groups, and to accept the principle of equal respect for all human beings regardless of their religion.

11. Finally, the Assembly calls on the European Union to enhance its monitoring of the situation of religious communities in its political dialogue with non-member countries, and to link its European Neighbourhood Policy, including financial aid, to the degree of human rights protection, including that of freedom of religion, and awareness in those countries.

B. Explanatory memorandum by Mr Volontè, rapporteur

1. Introduction

> *"The religious dimension is an undeniable and irrepressible feature of man's being and acting, the measure of the fulfilment of his destiny and of the building up of the community to which he belongs. … it seems unnecessary to point out that an abstract proclamation of religious freedom is insufficient: this fundamental rule of social life must find application and respect at every level and in all areas."*
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> *Pope Benedict XVI, Address to the Members of Diplomatic Corps, 10 January 2011*

1. Following the tragic attacks against Christian communities in Baghdad in October 2010 and in Alexandria in January 2011, the Parliamentary Assembly held a debate under urgent procedure on 27 January 2011 and adopted Recommendation 1957 (2011) on violence against Christians in the Middle East. I had the honour of presenting that report on behalf of the Political Affairs Committee.

2. A motion for a resolution on "Violence against Christians" was tabled on 17 March 2011 (Doc. 12542). This motion was referred to the Political Affairs Committee for a report on "Violence against religious communities" and I was appointed rapporteur on 21 June 2011.

3. The present report aims to examine the situation of Christians and other religious communities, in particular in the member States of the Council of Europe and in the countries of the Middle East concerned by Recommendation 1957 (2011), with reference to the implementation of the measures proposed in its paragraphs 12, 13, 14 and 15, in which the Assembly calls on member States to, *inter alia*:

– reaffirm that the development of human rights, democracy and civil liberties is the common basis on which they build their relations with third countries, and ensure that a democracy clause is included in the agreements between them and third countries;

– take account of the situation of Christian and other religious communities in their bilateral political dialogue with the countries concerned;

– support initiatives aimed at promoting dialogue among religious communities in the Middle East.

4. This is in line with the terms of reference of the Committee on Political Affairs and Democracy: "The committee shall consider the situation in States which are not members of the Council of Europe in the light of the fundamental values upheld by the Council of Europe, make proposals and, subject to approval by the Bureau, take political action to promote these values."

5. The initial proposal was that the report should deal with:

– violence against religious communities: international conventions and declarations, doctrine and case law of the European Court of Human Rights ("the Court");

– religious freedom in Europe and violations of this fundamental right: anti-Semitism, intolerance and discrimination against Christians, Islamophobia and other forms of violence;

– follow-up by the Committee of Ministers to Recommendation 1957 (2011) on violence against Christians in the Middle East and actions taken by the member States;

– comparative scheme and national measures needed to preserve and promote religious freedom (national legislations and foreign diplomatic actions).

6. An information note was presented to the members of the Political Affairs Committee at the meeting on 6 September 2011 in Caserta, and a first outline report at the meeting on 14 and 15 November 2011 in Paris, which took into account the committee's discussion and aimed to identify the issues at stake. It also drew attention to the findings of different entities around the world on the situation concerning such issues.

7. On my proposal, the Committee on Political Affairs and Democracy held an exchange of views with Dr Massimo Introvigne, sociologist, former Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination, also Focusing on Intolerance and Discrimination against Christians and Members of Other Religions, on 14 March 2012, to debate possible lines of action towards solving the problems of violence against religious communities.

8. On 13 December 2012, the committee held an exchange of views with Mr Khaled Fouad Allam, Professor of Sociology of the Muslim world and of History and Institutions of the Islamic countries at the University of Trieste, and with Father Paolo Dall'Oglio, Jesuit priest and leader of the Deir Mar Mûsa monastery in Syria.

2. Religious freedom and freedom of expression

9. In 2013, we celebrate the anniversary of the Edict of Milan, or Edict of Toleration, of 313, which may be seen as the origin of freedom of religion and belief. Its content is very clear: "When I, Constantine Augustus, as well as I, Licinius Augustus, fortunately met near Mediolanum (Milan), and were considering everything that pertained to the public welfare and security, we thought … that we might grant to the Christians and others full authority to observe that religion which each preferred; whence any Divinity whatsoever in the seat of the heavens may be propitious and kindly disposed to us and all who are placed under our rule."

10. Article 9 of the European Convention on Human Rights (ETS No. 5, "the Convention") states that "[e]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance". It adds that "[f]reedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others".

11. The first part of the article is almost exactly the same as Article 18 of the Universal Declaration of Human Rights: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

12. The European Court of Human Rights has produced an extensive case law on Article 9 of the Convention on freedom of religion, as a pillar of democratic society, in its internal and external dimension.

13. The Court has, in particular, touched upon the individual and collective features of freedom of religion and the relations between the State and religious communities.

14. It has also enquired into the extent of the State protection of the freedom of religion (interference and duty of neutrality and impartiality).[3]

15. Freedom of expression is another fundamental freedom, enshrined both in Article 10 of the European Convention on Human Rights and in Article 19 of the Universal Declaration of Human Rights. While it is complementary to freedom of religion, both rights often have to be balanced. On the one hand, religious groups should be able to express freely their views on moral matters, for instance on family life, homosexuality or abortion, while on the other hand, they should not try to limit other people's freedom of expression through the notion of "defamation of religion".

16. The case law of the European Court of Human Rights on this issue is also of interest. Already in 1976 the Court referred to the right to shock, offend and disturb.[4]

17. The protection of conscience or religious sentiment does not preclude criticism of religions and beliefs. The State has the obligation to ensure that those who profess these beliefs enjoy their right to freedom of thought, conscience and religion. It is only the way in which those criticisms are expressed that may be liable to criticism, if they amount to hate speech. In this regard, States have an obligation to fight against anti-religious stereotypes, especially when they are spread in the media. Reports show that anti-religious stereotypes are not limited to minority religions, but are increasingly targeted against Christians. Freedom of religion also protects the freedom of public expression of religious doctrines. Consequently, peaceful public expression of faith or morality should receive protection, as is the case for the religious sermons of ministers.

18. Contrary to the approach in the United States, where the first amendment to the Constitution prohibits the making of any law abridging the freedom of speech or infringing on the freedom of the press, in Europe there are several more or less legal limitations, for instance relating to hate speech. The Council of Europe's

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3. An overview of the case law of the European Court of Human Rights on the freedom of religion (January 2011) is available at:
www.echr.coe.int/NR/rdonlyres/612852C1-7B36-4E1D-8FBF-EA24B3BB36AF/0/RAPPORT_JURISPRUDENCE_Liberté_religion.pdf.

4. *Handyside v. United Kingdom*, Application No. 5493/72, judgment of 7 December 1976, paragraph 49.

Committee of Ministers defined hate speech in its Recommendation No. R (97) 20. However, as this definition is not universally accepted, such limitations are often interpreted in different ways by different religious communities.

19. The Assembly dealt with this issue in its report and Resolution 1510 (2006) on freedom of expression and respect for religious beliefs, where it stated that "freedom of expression as protected under Article 10 of the European Convention on Human Rights should not be further restricted to meet increasing sensitivities of certain religious groups". At the same time, the Assembly emphasised that "hate speech against any religious group is not compatible with the fundamental rights and freedoms guaranteed by the European Convention on Human Rights and the case law of the European Court of Human Rights".

20. The US Department of State's Report on International Religious Freedom (November 2010) identifies five categories of restrictions of religious freedom: authoritarian governments; hostility towards non-traditional and minority religious groups; failure to address societal intolerance; institutionalised bias and illegitimacy (discrimination against groups described as "cults" or "sects").

21. The report notes that "over the past decade a number of States with majority or significant Muslim populations have worked through the United Nations (UN) to advance the concept of 'defamation of religions' by introducing annual resolutions on this subject at the UN Human Rights Council and UN General Assembly". It goes on to state that "while the United States deplores actions that exhibit disrespect for deeply held religious beliefs, including those of Muslims, we do not agree with the 'defamation of religions' concept because it can be used to undermine the fundamental freedoms of religion and expression. The United States understands the primary concern of the resolution to be the negative stereotyping of, and discrimination against, members of religious groups. The United States, however, believes that rather than banning speech, the best way for governments to address these issues is to develop robust legal regimes to address acts of discrimination and bias-inspired crime; to condemn hateful ideology and proactively reach out to all religious communities, especially minority groups; and to defend vigorously the rights of individuals to practice their religion freely and to exercise their freedom of expression".

22. In its publication "Blasphemy, insult and hatred", which is part of the Science and Technique of Democracy collection, the European Commission for Democracy through Law (Venice Commission) also deals with the relationship between freedom of expression and freedom of religion and proposes a new ethic of responsible intercultural relations.

3. Religious freedom and anti-discrimination

23. Religious freedom is a broader concept than non-discrimination based on religion; it includes freedom to manifest the religion in public and in the community, and is not limited to a right to "equality" between religious and non-religious individuals and groups.

24. On 25 November 2011, the Standing Committee adopted Resolution 1846 (2011) on combating all forms of discrimination based on religion, based on a report by the Committee on Legal Affairs and Human Rights (Rapporteur: Mr Tudor Panţiru, Romania, SOC).

25. While reiterating its support for the separation of State and church, based on Recommendation 1804 (2007) on State, religion, secularity and human rights and Recommendation 1396 (1999) on religion and democracy, the Assembly called on member States to "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" and to "ensure that investigative authorities conduct effective investigations into acts of violence based on religion or belief".

26. With regard to non-discrimination, the European Union Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation is of particular importance. Consistent with the case law of the European Court of Human Rights, it stipulates that "in the case of occupational activities within churches and other public or private organisations the ethos of which is based on religion or belief, a difference of treatment based on a person's religion or belief shall not constitute discrimination where, by reason of the nature of these activities or of the context in which they are carried out, a person's religion or belief constitute a genuine, legitimate and justified occupational requirement, having regard to the organisation's ethos".

4. Parental rights in education

27. Based on a motion which I presented with other colleagues, a report on "Families' right to freedom of choice in education in Europe" was prepared by the Committee on Culture, Science, Education and Media (Rapporteur: Ms Carmen Quintanilla, Spain, EPP/CD). The Assembly held a debate in April 2012 and adopted Resolution 1904 (2012). However, this report does not touch upon the issue of violence.

28. This resolution calls on the right to education guaranteed by Article 2 of the Protocol to the European Convention on Human Rights, according to which "[n]o person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions".

5. The autonomy of religious communities

29. The distinction between religion and the State is ensured by the mutual autonomy of the religious communities and of the State. If the State does not respect the autonomy of religious communities, it can no longer be considered as "neutral or impartial" but rather as interfering in the religious domain. The European Court of Human Rights stated that religious communities existed traditionally and universally as organised structures, and that when the organisation of one of these communities is in question, Article 9 must be interpreted in light of Article 11 of the Convention, which protects the right to association against any unjustified interference by the State.[5][6] The principle of autonomy in religious freedom prohibits civil authorities from making decisions which would internally affect religious communities, for example on appointments[7] or transfers.[8] Likewise, it prevents religious leaders from interfering in secular affairs.

6. The situation of Christians in the Middle East

30. On 23 September 201, the Committee of Ministers replied to Recommendation 1957 (2011) and indicated that it was "working on a coherent policy towards neighbouring regions with a view to fostering dialogue and co-operation with the countries and regions close to Europe that seek the assistance of the Council of Europe on the basis of the shared values of human rights, democracy and the rule of law".

31. While assuring the Assembly that "promoting the right to freedom of thought, conviction and religion will remain high on its agenda", the Committee of Ministers does not intend to develop a "permanent capacity" to monitor the situation of governmental and societal restrictions on religious freedom and related rights in Council of Europe member States and in States in the Middle East, and report periodically to the Assembly, as recommended in paragraph 11.1 of the recommendation.

32. I consider this reply unsatisfactory. On the one hand, the Committee of Ministers shares the Assembly's preoccupations but, on the other hand, it is not willing to improve the work of the Organisation along the lines recommended by the Assembly, as if it were already doing everything possible. The Committee of Ministers indicated that it was studying the feasibility of a number of areas of activity for the Council of Europe, suggested in the report "Living together – Combining diversity and freedom in 21st-century Europe", and I hope that some action will ensue.

33. Meanwhile, it is worth recalling that the Committee of Ministers, at its 1158th meeting (12-13 December 2012), held a thematic debate on "Freedom of religion and the situation of religious minorities", which was particularly important and timely, especially in view of the increasing number of cases of discrimination and intolerance that many religious communities encounter in member States and beyond Europe. The Deputies "supported the Secretary General's proposal to produce a concise document containing a compilation of existing Council of Europe standards" relating to this topic, and considered that "the Organisation should make it its priority to build awareness of existing standards and promote their application". Such effort "would encourage a positive and tolerant attitude in European society" and "should be made as part of the Council of Europe's policy towards neighbouring regions". This is fully in line with the readiness of the Organisation to

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5. *Hassan and Tchaouch v. Bulgaria*, paragraph 78; *Metropolitan Church of Bessarabie and Others v. Moldova*, paragraph 117; *Serif v. Greece*, paragraph 52; *Miroļubovs and Others v. Latvia*.
6. *Hassan and Tchaouch*, op. cit., paragraphs 62 and 78; see also *Kohn v. Germany* (Dec), Application No. 47021/99, judgment of 23 March 2000, and *Dudová and Duda v. the Czech Republic* (Dec), Application No. 40224/98, judgment of 30 January 2001.
7. *Dudova and Duda v. the Czech Republic*.
8. *Ahtinen v. Finland*.

offer "its expertise in this field of the protection of the freedom of thought, conscience and religion and share its experience in fostering standards of protection of rights of persons belonging to religious minorities", as stated in the above-mentioned reply to Recommendation 1957 (2011).

34. On the same occasion, the Deputies considered that the Council of Europe should increase "the potential of its monitoring mechanisms", while some delegations "emphasised the operational potential of independent institutions such as ECRI and the Commissioner for Human Rights and encouraged its development, particularly in the form of an ECRI general policy recommendation".

35. On Sunday 9 October 2011, several thousand Coptic Christians peacefully demonstrated in Cairo against an attack on a church in the province of Aswan the previous week. For reasons which were never made clear, the demonstration degenerated and the ensuing clashes involving both the army and civilian thugs resulted in at least 25 persons, most of them Copts, being killed and more than 300 wounded. The President of the Assembly condemned the violence and, on my proposal, the Political Affairs Committee adopted the following statement at its meeting on 14 and 15 November 2011:

> *"On the first day of 2011 a suicide bombing in a Coptic church in Alexandria killed 21 persons and wounded 79. The Parliamentary Assembly condemned unequivocally such violence. We all hoped that, after the success of the Egyptian revolution, such tragedies would not be repeated.*
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> *Unfortunately, on Sunday 9 October, a peaceful Coptic demonstration in Cairo degenerated for still unknown reasons and the ensuing clashes involving both the army and civilian thugs resulted in at least 25 persons, most of them Copts, being killed and more than 300 wounded. This violence, which was duly condemned by the President of the Assembly, is of course unacceptable and the first declarations of the Egyptian authorities and their subsequent lack of action fail to convince that they are genuinely committed to dealing effectively with recurrent inter-religious violence.*
>
> *Egypt is due to start its first free and fair electoral process in two weeks time but no democratic elections can take place in a climate of religious hatred.*
>
> *We call on the Egyptian authorities and in particular on the Supreme Council of the Armed Forces to protect effectively the Coptic community, to investigate the events of 9 October 2011 and to bring to justice those responsible for violence so as to ensure a peaceful environment for the up-coming elections."*

36. According to some reports, since the 2011 revolution, hundreds of Christian Egyptian girls have been abducted and forced to convert to Islam and marry Muslim men. According to other reports, however, this is due to a considerably deteriorated security situation, which has led to an increase in all types of crime.

37. In its Resolution 1892 (2012) on the crisis of transition to democracy in Egypt, adopted in June 2012, the Assembly "deplores that the situation of Christian communities in Egypt has not improved with the Arab Spring and the fall of Mubarak and that violence continues to be perpetrated against these communities, as well as against other religious minorities. The Assembly thus calls on the Council of Europe member States to implement the measures listed in its Recommendation 1957 (2011) on violence against Christians in the Middle East and, in particular, to take into account the situation of Christian and other religious communities in their bilateral political dialogue and to promote a policy, at national and Council of Europe level, which integrates the question of the respect for the fundamental rights of Christian and other religious minorities in their relations with Egypt".

38. In its Resolution 1878 (2012) on the situation in Syria, the Assembly pointed out that "[t]he Syrian population is a mosaic of ethnic, cultural and religious groups and this diversity, together with the territorial integrity of Syria, must be preserved in a future post-Assad Syria. The Assembly calls on the various groups of domestic opposition to unite in order to be considered as a legitimate alternative offering all Syrian citizens, irrespective of their ethnic origin, culture or religion, the prospect of a peaceful, democratic and pluralist Syria. Noting the under-representation of Christians in the Syrian National Council, any post-Assad future must guarantee the religious tolerance that Christians have enjoyed until now".

39. Last December, Father Dall'Oglio presented to the committee the situation of the Christian community in Syria after 40 years of dictatorship and 21 months of revolution. For 14 centuries Christians, Jews and Muslims had lived in peace side by side. Islamic societies had the religious duty to protect Christian and Jewish minorities. In Syria, whereas the majority of Christians had remained faithful to the Assad regime, others supported the revolution. Many were leaving the country.

40. Elsewhere in the Middle East, the situation of Christian communities remains as critical as it was depicted in my report on "Violence against Christians in the Middle East" of January 2011.

41. It is worth pointing out that, when the Assembly granted partner for democracy status to the Parliament of Morocco (June 2011) and to the Palestinian National Council (October 2011), it stated that "ensuring full respect for freedom of conscience, of religion and belief, including the right to change one's religion" was a specific issue of key importance for strengthening democracy, the rule of law and respect for human rights and fundamental freedoms in the countries concerned.

42. In both cases, the Committee on Political Affairs and Democracy is monitoring the progress made on this and other issues and will report back to the Assembly later this year. I am the rapporteur for Morocco while my colleague Tiny Kox is the rapporteur for the Palestinian National Council.

7. Islamophobia

43. The Assembly dealt with the issue of violence against Muslims communities in Europe in several reports, in particular those on "European Muslim communities confronted with extremism", in 2008, and on "Islam, Islamism and Islamophobia in Europe" in 2010. The texts adopted (Recommendations 1831 (2008) and 1927 (2010) and Resolutions 1605 (2008) and 1743 (2010)) insist on strong action against discrimination and efforts in the fields of education and the media.

44. On 22 February 2012, in Astana, Ambassador Adil Akhmetov, the OSCE Chairperson's Personal Representative on combating Intolerance and Discrimination against Muslims, expressed concerns over the feeling of insecurity among Muslim communities across the OSCE region. He encouraged participating States to make use of the OSCE's tools and programmes concerning hate crimes and tolerance education and recommended the following measures to combat hate crimes motivated by intolerance against Muslims: "promotion of educational activities and raising awareness about racism, xenophobia and intolerance against Muslims; putting in place mechanisms to ensure effective transfer of information from intelligence services to the police to help prevent crimes against Muslims and others; as well as supporting programmes to monitor and report about hate crimes against Muslims and to provide assistance for the victims".

45. There is, however, a general feeling that religious communities, including Muslims, are better protected in Europe than are Christians in Africa, Asia or the Middle East.

8. Recent reports on the state of religious freedom

46. It is obvious that a low degree of religious freedom increases the manifestation of violent crime, hate speech, discrimination and intolerance, threatening the security of individuals and giving rise to wider-scale conflict and violence that undermine international stability and security. I find it particularly important to continue our work and dialogue on the very substance of the freedom of thought, conscience and religion which, as Pope Benedict XVI pointed out in his Message for World Day of Peace 2011, "is not the exclusive patrimony of believers, but of the whole family of the earth's people".

47. Today, there is a broad range of commitments to combat racism, xenophobia, anti-Semitism, discrimination, and intolerance, including against Muslims, Christians, and Jews, as well as commitments related to preventing and responding to hate crimes. Recent attacks on Christian communities have highlighted the necessity to address the problem of intolerance against Christians with a specific focus on hate crimes.

8.1. European Commission against Racism and Intolerance (ECRI)

48. ECRI has been entrusted with the task of combating racism, racial discrimination, xenophobia, anti-Semitism and intolerance "in greater Europe" from the perspective of the protection of human rights (Article 1 of its Statute). To date, ECRI has put forward evidence of anti-Muslim and anti-Semitic feelings in the overwhelming majority of its country reports, and has addressed its specific recommendations to the governments concerned and drawn up two General Policy Recommendations (GPR Nos. 5 and 9).

49. Nevertheless, ECRI has consistently interpreted its mandate as covering violent crime, hate speech, discrimination and intolerance against all religious groups. As a result, in its fourth-cycle reports it has also identified instances of discrimination or intolerance against members of Christian groups in member States, expressing its concerns at the lack of mechanisms to prevent various negative trends (physical assaults, negative publicity in the media, vandalism, attacks on property, damage to religious buildings) as well as States' continued lack of compliance with its specific recommendations (legal registration, property rights, issuance of visas for priests or other clerics).

50. Finally, in its comments on Recommendation 1957 (2011) on violence against Christians in the Middle East, ECRI expressed its interest in establishing a forum for dialogue with non-member States, in particular from North Africa, the Middle East and Eurasia, "for discussing common strategies to strengthen the fight against racism and intolerance in the face of extremism and Islamophobia", which "could also deal effectively with violent crime, hate speech, discrimination and intolerance against Christians in the countries of the Middle East.

8.2. Organisation for security and co-operation in Europe (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR)

51. The OSCE is very active in this area. Its report on the OSCE/ODIHR round table on "Intolerance and discrimination against Christians: focusing on Exclusion, Marginalisation and Denial of Rights", which was held in March 2009, put forward a number of recommendations.[9]

52. The OSCE/ODIHR annual report for 2009 (issued in Warsaw in November 2010) lists anti-Semitic crimes or incidents in Austria, Belgium, the Czech Republic, Germany, Greece, Italy, Sweden and the United Kingdom. A few of the reported crimes and incidents involved violence. Non-governmental organisations (NGOs) and the media reported many more manifestations of anti-Semitism also in other member States of the Council of Europe.

53. The report refers to the murder of a Muslim woman in Germany, an attack on a mosque in Spain and a number of anti-Muslim hate crimes in Sweden. The report also refers to ECRI's concerns about intolerance and discrimination against Muslims in Austria, Belgium, Bulgaria, Germany, Norway, Switzerland and the United Kingdom. Furthermore, media sources monitored by the ODIHR reported incidents against Muslims also in Bosnia and Herzegovina, the Czech Republic, Denmark, France, Greece, the Netherlands, Norway and Spain.

54. Only Georgia, Sweden and Turkey reported anti-Christian crimes and incidents. The Holy See provided information on incidents targeting Christians in nine States. It should be mentioned that not all of the OSCE participating States report on violence against religious groups and those which do so do not always use comparable criteria.

55. The OSCE/ODIHR annual report for 2011 on "Hate Crimes in the OSCE Region: Incidents and Responses" (issued in Warsaw in November 2012) indicates a growing intolerance against Christians. Thirty-five participating States reported that they collected data on hate crimes based on religious bias, while 14 States reported that they recorded data on crimes motivated by bias against Christians and members of other religions. Some States further divide this data into categories such as "non-denominational", "Catholic", "Protestant" or "other religions". The Holy See provided information on incidents motivated by bias against Christians in 11 States. Seven NGOs provided information to ODIHR on incidents motivated by bias against Christians and members of other religions in 12 participating States. Information from the OSCE Missions to Bosnia and Herzegovina, Kosovo*[10] and Skopje was also included.

56. The Lithuanian OSCE Chairmanship and the ODIHR co-organised a series of three high-level meetings in 2011: a conference in Prague, in March, devoted to "Anti-Semitism in public discourse", a conference in Rome on 12 September on "Preventing and Responding to Hate Incidents and Crimes against Christians" and a conference on "Confronting Intolerance and Discrimination against Muslims in Public Discourse" in Vienna on 28 October.

57. The purpose of the meetings was to provide a platform for experts and practitioners to discuss hate-motivated crimes and incidents against religious communities in the OSCE and to share best practices in prevention, monitoring and response. Each meeting was attended by close to 150 representatives of the OSCE's 56 participating States, religious communities and non-governmental organisations.

58. Discussions focused on raising awareness of hate-motivated crimes and incidents targeting Jews, Christians and Muslims and their property and the sharing of good practices on how to combat and prevent such incidents. A special focus was placed on attacks on places of worship, one of the most common forms of hate crimes experienced by religious communities.

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9. See www.osce.org/odihr/40543.

10. * All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

59. Participants in the meetings made recommendations and OSCE participating States agreed on a broad range of commitments to combat racism, xenophobia, discrimination and intolerance, including against Muslims, Jews and Christians. On 10 July 2011, the Parliamentary Assembly of the OSCE adopted a resolution on combating intolerance and discrimination against Christians in the OSCE area.

8.3. European Union

60. The European Union launched the RELIGARE research project in February 2010 to explore adequate policy responses to religious and cultural diversity as a social reality in Europe. It examines the legal rules protecting or limiting (constraining) the experiences of religious or other belief-based communities. Where the practices of communities or individuals do not conform to State law requirements, or where communities turn to their own legal regimes or tribunals, the reasons behind these developments need to be understood.

61. A conference on "Secularism and religious diversity in Europe: Opportunities and Perspectives" was held in Belgium on 4 and 5 December 2012 to discuss and reflect on the project's key findings. The conclusions of the conference are available on the project website.[11]

62. One of the main assets of the RELIGARE Project is the collection of relevant court decisions related to the issues addressed by the project. A summary of recent case law of the European Court of Human Rights is also available on the project website.

63. The Hungarian Government organised, as part of its Presidency of the Council of the European Union, a conference on "The Christian-Jewish-Islamic dialogue", in Gödöllő, from 1 to 4 June 2011. In addition to representatives of European Union member States, delegations from Bosnia-Herzegovina, Croatia, Israel, Russia, Serbia, Ukraine, the United States and some Middle East States participated in the Conference. The conference discussed the current state of the Christian-Jewish-Muslim interfaith dialogue, the relationship between Church and State, religious freedom in the European Union and the question of Muslim migration.

64. At the conference, Mr Introvigne, Personal Representative of the OSCE Chairperson-in-Office on combating intolerance and discrimination against Christians and members of other religions, stated that "a Christian was killed for his faith in the world every five minutes". This figure is not confirmed by other sources.

8.4. Non-governmental organisations

65. The Observatory on Intolerance and Discrimination against Christians in Europe monitors and catalogues instances in which Christians and Christianity are marginalised or discriminated against throughout Europe. The Observatory gathers instances of discrimination against Christians from media sources and individuals.

66. The organisation's website refers to 821 cases of intolerance or discrimination against Christians in Europe, although some of them have not been considered as such by the European Court of Human Rights.[12]

67. Its Shadow Report, covering the period from 2005 to 2010, refers to "a growing threat to religious freedom for Christians". It states that "hate speech legislation has a tendency to indirectly discriminate against Christians, criminalising core elements of Christian teaching". The report claims that political correctness has been pushed to a point which violates the right of Christians to freedom of expression.

68. The Observatory's report on 2011, issued in March 2012, states: "Intolerance and Discrimination against Christians, describing the denial of equal rights and the social marginalisation of Christians, is the most explanatory term for this phenomenon in the Western world. Even though this is technically a form of persecution, it must not be called so in Europe, in order to avoid confusion with the crimes committed against Christians in other places of the world."

69. International Christian Concern (ICC) draws attention to discrimination against Dalit Christians in India and Pakistan. It seems however that this religious minority is discriminated against because of the cast system and because of a strong sense of cultural identity, which they are seen to abandon when converting to Christianity.

11. www.religareproject.eu/.
12. www.intoleranceagainstchristians.eu/recent-cases.html.

70. The Pew Forum study on Rising Restrictions on Religion (August 2011)[13] indicates that "one third of the world's population experiences an increase" of restrictions and that "Europe had the largest proportion of countries in which social hostilities related to religion were on the rise from mid-2006 to mid-2009". The study also found that "restrictions on religion are particularly common in countries that prohibit blasphemy, apostasy or defamation of religion. While such laws are sometimes promoted as a way to protect religion, in practice they often serve to punish religious minorities whose beliefs are deemed unorthodox or heretical".

71. The London-based Minority Rights Group International, in its 2010 report, calls religious intolerance the "new racism" and says its impact is felt on religious minorities across the globe. It says such minorities also face increased persecution and reduced freedom stemming from strict government anti-terrorism measures imposed after the September 2001 terror attacks on the United States. It says discrimination against Muslims is on the rise in the United States and western Europe.

72. The Observatory on Intolerance and Discrimination against Christians, which monitors and documents such cases in Europe, made presentations to the OSCE Review Conference's working sessions 1, on "Freedom of expression, free media and access to information", and 2, on "Fundamental Freedoms, including Freedom of Thought, Conscience, Religion or Belief" (Warsaw, September 2011). These identified four threats to freedom of expression and to limitations to freedom of thought, conscience, religion, and belief in the legislation of participating States.

73. The threats to freedom of expression were: censorship on web-based communication platforms; negative stereotyping of Christians in the media; freedom of expression of Christians obstructed by harassment and violence and other disturbances, making it impossible to speak, and an overly broad and biased application of hate-speech and anti-discrimination legislation.

74. The limitations on freedom of religion were linked to freedom of conscience in the realm of healthcare; to the right of parents to know and have a final say on what their children were being taught with regard to religion and sexuality; to the wearing of religious symbols; to freedom of conscience and freedom of contract with regard to private entrepreneurship and to the expression of faith and its moral contents in the public sphere.

75. The Christian Legal Centre also made submissions to the Conference on freedom of assembly and association (insisting on the right of Churches to refuse employment to persons who do not uphold the Church's doctrinal position) and on freedom of expression (on the right to offend, shock or disturb). Both submissions quoted the European Court of Human Rights.

76. Several prominent national and international NGOs also submitted a joint intervention calling on OSCE Participating States not to force children into a compulsory sexual, religious or ethical teaching which may be inconsistent with the convictions of the children's parents, providing, in this case, for non-discriminatory opt-out possibilities.

77. The Pontifical Academy of Social Sciences held its 17th Plenary Session from 29 April to 3 May 2011 on the theme "Universal Rights in a World of Diversity: the Case of Religious Freedom". In her closing observations, Professor Mary Ann Glendon, President of the Academy, pointed out that religious freedom worldwide was at increasing risk; it was at risk even in countries which officially protected it.

78. Every year, Open Doors publishes a World Watch List which ranks countries by reference to the severity of persecution of Christians.[14]

8.5. Other sources

79. Most reports indicate that violence against religious communities has increased in the past few years. This includes physical, but also psychological violence against persons because of their religion. While in Europe the situation is much better than in Africa, Asia and the Middle East, two member States of the Council of Europe were considered problematic by the United States Commission on International Religious Freedom (USCIRF), which is an independent, bipartisan US federal government commission that monitors the universal right to freedom of religion or belief abroad; they are the Russian Federation and Turkey.

13. www.pewforum.org/Government/Rising-Restrictions-on-Religion%282%29.aspx.
14. www.worldwatchlist.us/.

80. The USCRIF 2012 Report[15] states that "Religious freedom conditions in Russia continue to deteriorate. The government increasingly used its anti-extremism law against peaceful religious groups and individuals, particularly Jehovah's Witnesses and Muslim readers of the works of Turkish theologian Said Nursi. National and local officials also apply other laws to harass Muslims and groups they view as non-traditional or alien".

81. On Turkey, the same report says that "[t]he State's strict control of religion in the public sphere significantly restricts religious freedom, especially for non-Muslim religious minority communities – including the Greek, Armenian, and Syriac Orthodox Churches, the Roman Catholic and Protestant Churches, and the Jewish community – as well as for the majority Sunni Muslim community and the country's largest minority, the Alevis".

82. On 11 March 2013, the Hungarian Parliament approved amendment 4 to the constitution, which, *inter alia*, integrally reintroduced previously annulled (by decision of the Constitutional Court) provisions on freedom of religion and the status of churches. The latter were considered by the Venice Commission to be at odds with Council of Europe standards, including the European Convention on Human Rights and the case law of the Strasbourg Court. The Venice Commission will look again into the matter. This issue is also followed by the Assembly's Monitoring Committee in the framework of its opinion on the request for the opening of a monitoring procedure in respect of Hungary.

83. Recently, an increasing number of Christians in the United Kingdom have been faced with difficulties in their employment and with the public service as a result of their faith. Several individuals have lost their jobs or livelihoods and the number of cases appears to be increasing. The interpretation of recent "equalities" legislation has caused particular problems for Christians, especially where, as a result of Christian teaching on sexual ethics, "sexual orientation" rights are perceived to clash with "religious freedom" rights. Four recent cases heard by the European Court of Human Rights illustrate some of the challenges. In the case of *Eweida and Chaplin v. the United Kingdom*, the United Kingdom was found to be in violation of Article 9 of the Convention; the other three cases are likely to be referred to the Grand Chamber. All the cases concern the manifestation of the Christian faith in the workplace – in two cases through the wearing of a symbol (the Cross) and in two cases through the exercise of freedom of conscience.

9. Conclusions and recommendations

84. Member States should seek to ensure a place for religious beliefs in the public sphere by guaranteeing freedom of conscience in health care, education and the civil service. The right to a well-defined conscientious objection should be based on the reluctance of European civilisation – born of decency, forbearance, and tolerance – to compel our fellow citizens to humiliate themselves by betraying their own consciences.

85. Member States should also protect the freedom of parents to ensure the religious and moral education and teaching of their children in conformity with their own religious and philosophical convictions, in the respect of the values that are the very essence of the Council of Europe.

86. Certain member States should consider reviewing their legal regulations whenever these go against the freedom of association for religious groups and churches.

87. The situation is, however, much worse in Africa, in particular in Nigeria (Boko Haram), Sudan and Mali (before the French military intervention); in Asia, in particular in North Korea and China, but also in Tajikistan, Turkmenistan and Uzbekistan; and in the Middle East, in particular in Egypt, Iran, Iraq, Saudi Arabia and Syria.

88. In view of the situation, the Assembly should insist on the indivisibility of human rights and on the need to uphold all of them without exception. While indivisible, human rights do have a hierarchy. Both the European Convention on Human Rights and the Universal Declaration of Human Rights list first the right to life, without which all other rights would be meaningless, then the rights to freedom and to protection by the law, and then the rights to freedom of thought, conscience and religion and to freedom of opinion and expression, which go hand in hand.

89. Member States of the Council of Europe should use their bilateral relations with those countries where violence against religious communities are reported to reaffirm that the development of human rights, democracy and civil liberties is the common basis on which they build their relations with third countries and ensure that a democracy clause is included in the agreements between them and third countries.

15. www.uscirf.gov/reports-and-briefs/annual-report/3706.html.