Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2076 (2015)[1]

Freedom of religion and living together in a democratic society

Parliamentary Assembly

1. The Parliamentary Assembly notes that religion has gained renewed importance in European societies. Many beliefs and churches are developing in Europe alongside the religions which have influenced the history of our continent. The Assembly notes with great regret and disquiet that this continues to give rise to tensions, lack of understanding and suspicion, and even to xenophobic attitudes, extremism, hate speech and violence of the most abhorrent sort. This vicious circle must be broken.

2. Freedom of thought, conscience and religion is an established, universal and inviolable human right, enshrined in the Universal Declaration of Human Rights, in international treaties at global and regional levels, and in national constitutions.

3. Churches and religious organisations are an integral part of civil society and must, with secular organisations, take part in the life of society. National authorities should take more account of religious communities' potential to work for dialogue, mutual recognition and solidarity. For their part, those communities have a fundamental duty, which they must fully assume, to promote the shared values and principles which underpin "living together" in our democratic societies.

4. Those values and principles, which are non-negotiable, consist mainly of profound respect for human dignity and the fundamental rights protected by our democratic constitutions and by the European Convention on Human Rights (ETS No. 5) and its additional protocols, as well as respect for democratic principles and the rule of law, including the principle of non-discrimination between the different groups which make up our plural societies.

5. Religious affiliation is, for many European citizens, a key element of their identities. That affiliation is also expressed through worship and compliance with religious practices. Freedom to live according to those practices is one element of the right to freedom of religion safeguarded by Article 9 of the European Convention on Human Rights. That right coexists with the fundamental rights of others and with the right of everyone to live in a space of socialisation which facilitates living together. That may justify the introduction of restrictions on certain religious practices; however, in conformity with Article 9.2 of the European Convention on Human Rights, the right to freedom of religion can only be submitted to those limitations which, as prescribed by law, constitute necessary measures, 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. States Parties to the Convention should also strive to find a fair balance between conflicting interests resulting from the exercise of freedom of thought, conscience and religion, and the other human rights and fundamental freedoms, such as the right to respect for private and family life, the right to freedom of expression and the prohibition of discrimination.

1. *Assembly debate* on 30 September 2015 (33rd Sitting) (see Doc. 13851, report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Rafael Huseynov; Doc. 13886, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Sir Edward Leigh; and Doc. 13871, opinion of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Ms Liliane Maury Pasquier). *Text adopted by the Assembly* on 30 September 2015 (33rd Sitting).
See also Recommendation 2080 (2015).

6. Furthermore, the Assembly considers that the principle of secularity does not require the elimination of religion from social space; quite the contrary, this principle, properly interpreted and implemented, protects the possibility for different beliefs, religious and non-religious, to coexist peacefully while all parties respect shared principles and values.

7. Legislatures and governments must take account of the fact that political decisions taken in the name of the "neutrality of the State" may, in practice, give rise to disguised discrimination against minority religions, which is incompatible with the right to freedom of religion and the principle of secularity. Worse, such decisions may give rise to a feeling among the members of the communities concerned that they are not considered full members of the national community. However, religious groups must be aware that any conviction or religious practice that violates human rights is not acceptable.

8. Certain religious practices remain controversial within national communities. Albeit in different ways, the wearing of full-face veils, circumcision of young boys and ritual slaughter are divisive issues and the Assembly is aware of the fact that there is no consensus among Council of Europe member States on these matters. Other religious practices may also provoke tensions, for example in the workplace. In this context, while it is aware that States Parties to the European Convention on Human Rights have a wide margin of discretion in this field, the Assembly invites States to seek "reasonable accommodations" with a view to guaranteeing equality that is effective, and not merely formal, in the right to freedom of religion. States should ensure that their neutrality remains inclusive and diversity-friendly.

9. As far as circumcision of young boys is concerned, the Assembly refers to its Resolution 1952 (2013) on children's right to physical integrity and, out of a concern to protect children's rights which the Jewish and Muslim communities surely share, recommends that member States provide for ritual circumcision of children not to be allowed unless practised by a person with the requisite training and skill, in appropriate medical and health conditions. Furthermore, the parents must be duly informed of any potential medical risk or possible contraindications and take these into account when deciding what is best for their child, bearing in mind that the child's interest must be considered the first priority.

10. Where ritual slaughter is concerned, the Assembly is not convinced that legislation prohibiting this practice is really necessary, or that it is the most effective way of ensuring the protection of animals; legislation which imposes strict requirements, like that of France and Germany, achieves a balanced reconciliation of the legitimate concern to protect animals from unjustified suffering and respect for the right to freedom of religion. The Assembly notes that the European Convention for the Protection of Animals for Slaughter (ETS No. 102) and the European Union Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing do not prohibit ritual slaughter.

11. The Assembly is convinced that education is the key to combating ignorance, breaking down stereotypes, building trust and mutual respect and promoting sincere support for the shared values of living together. In this respect, the Assembly is aware that many factors are influential in the formation of the individual personality. Families and media, as well as cultural and religious communities themselves, should support the development of open-minded individuals, capable of critical thinking and of constructive dialogue with others. It is crucial to fight against intolerance on the Web. School should also be a meeting point and a place for constructive dialogue between individuals of different – religious or secular – beliefs.

12. Referring to its Recommendation 1962 (2011) on the religious dimension of intercultural dialogue, the Assembly reminds States of their obligation to ensure that all the religious communities which accept shared fundamental values are able to benefit from an appropriate legal status guaranteeing the exercise of freedom of religion. In the Assembly's view, member States and religious communities should work together to promote coming together, dialogue and mutual respect: there is no better way of effectively combating all fanaticism and extremism, religious or anti-religious.

13. In this context, the Assembly recommends that member States:

13.1. ensure that religious communities and their members are able to exercise the right to freedom of religion without impediment and without discrimination, in accordance with Article 9 of the European Convention on Human Rights, and make sure, *inter alia*, that religious communities and their members are able, in compliance with the law, to:

13.1.1. practise their faith publicly and freely in places of worship designed for that purpose by themselves or in other places accessible to the general public, in accordance with their own rites and customs;

13.1.2. manage welfare institutions (hospitals, workshops for persons with disabilities, homes for elderly people, nursery schools, etc.), and schools and places of education;

13.1.3. make their opinion publicly known without being subjected to censorship and also exercise the right to freedom of expression, freedom of peaceful assembly and the freedom to use media;

13.2. promote the social integration of religious minorities and act at an early stage against those social, economic and political inequalities which affect such minorities, and resist their marginalisation and the instigation of hatred against them;

13.3. put into practice a “secularity of recognition” and treat religious organisations as partners in the development of inclusive and mutually supportive societies, while respecting the principle of the independence of politics from religion and the rule of law; in this context:

13.3.1. develop projects in collaboration with religious communities to promote shared values and “living together”, and involve these communities in the combating of all extremism and fanaticism;

13.3.2. give encouragement to projects jointly developed by several communities, including with non-religious associations, with a view to strengthening the social fabric through, for example, the promotion of inter-community solidarity, attention being paid to the most vulnerable people and the fight against discrimination;

13.3.3. ensure that public-service media firmly oppose any form of intolerance and discrimination based on religion or beliefs and contribute not only to fighting stereotypes, but also to upholding the vision of a plural, intercultural and inclusive democratic society;

13.4. promote, in school and extracurricular frameworks, opportunities for people of different beliefs to meet and talk so that they can learn to express their religious identity without fear, but also without provoking others or prevaricating, and both open up to other visions of the world and learn to respect them even if they do not share them; in this context, co-operate with religious communities so that the teaching of religion becomes an opportunity for reciprocal listening and for developing critical thinking, including within the religious communities themselves.