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(Final version)

Freedom of religion and living together in a democratic society

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A. Draft Resolution

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 anxiety that this continues to give rise to tensions, lack of understanding and suspicion, and even to xenophobic attitudes, extremism, hate speech and the most despicable violence. This vicious circle must be broken.
2. 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.
3. Those values and principles 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), 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. These values and principles are non-negotiable and they must prevail over any social or religious norms that counter them.

Amendment 1

Tabled by Mr Axel FISCHER, Mr Franz Josef JUNG, Mr Thomas FEIST, Ms Anette HÜBINGER, Mr Bernd SIEBERT, Mr Volker ULLRICH, Mr Tobias ZECH

In the draft resolution, after paragraph 1, insert the following paragraph:

"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."

Amendment 8

Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, paragraph 3, after the words "Those values and principles", insert the following words: ", which are non-negotiable,"

Amendment 9

Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, paragraph 3, after the words "the European Convention on Human Rights (ETS No. 5)", insert the following words: "and its Additional Protocols".

Amendment 10

Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, paragraph 3, delete the last sentence.

Amendment 21

Tabled by Mr Pavlo UNGURYAN, Mr Georgii LOGVYNSKYI, Mr Ihor HUZ, Mr Egidijus

VAREIKIS, Mr Emanuelis ZINGERIS, Mr Aleksandar NIKOLOSKI

In the draft resolution, paragraph 3, delete the last sentence.

Amendment 3

Tabled by the Committee on Social Affairs, Health and Sustainable Development

In the draft resolution, at the end of paragraph 4, replace the words "but any restriction not necessary in a democratic society should be avoided." with the following words: "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."

Amendment 11

Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, at the end of paragraph 4, add the following sentence: "States Parties to the European Convention on Human Rights should also strive to find a fair balance between conflicting interests resulting from the exercise of freedom of thought, conscience and religion, and 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."

4. 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, but any restriction not necessary in a democratic society should be avoided.

5. 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 the different beliefs, religious and non-religious, to coexist peacefully while all parties respect shared principles and values.

6. 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 amongst the members of the communities concerned that they are not considered full members of the national community.

Amendment 20

Tabled by Mr Pavlo UNGURYAN, Mr Ihor HUZ, Mr Georgii LOGVYNSKYI, Mr Egidijus VAREIKIS, Mr Emanuelis ZINGERIS, Mr Aleksandar NIKOLOSKI

In the draft resolution, replace paragraph 6 with the following paragraph:

"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 and religious worldview and the way of life in general, which is

7. Certain religious practices remain controversial within national communities. Albeit in different ways, the wearing of full-face veils, circumcision and ritual slaughter are divisive issues. Other religious practices may also provoke tensions, for example in the workplace. In this context, while it is aware that standards cannot be imposed, 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.

8. Where the wearing of full-face veils is concerned, the Assembly refers to its Resolution 1743 (2013) on Islam, Islamism and Islamophobia in Europe and invites States to refrain from dictating general prohibitions and to prefer targeted policies designed to make Muslim women aware of their rights, help them to take part in public life and offer them the possibility of achieving social and economic independence.

incompatible with the right to freedom of religion and the principle of secularity. Worse, such decisions may give rise to a feeling amongst the members of the communities concerned that they are not considered full members of the national community."

Amendment 2

Tabled by Mr Axel FISCHER, Mr Franz Josef JUNG, Mr Thomas FEIST, Ms Anette HÜBINGER, Mr Bernd SIEBERT, Mr Volker ULLRICH, Mr Tobias ZECH

In the draft resolution, at the end of paragraph 6, insert the following sentence: "However, religious groups must be aware that any conviction or religious practice that violates human rights or national law is not acceptable."

Amendment 4

Tabled by the Committee on Social Affairs, Health and Sustainable Development

In the draft resolution, paragraph 7, second sentence, after the word "circumcision", insert the following words: "of young boys".

Amendment 12

Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, paragraph 7, at the end of second sentence, insert the following words: "and the Assembly is aware of the fact that there is no consensus among Council of Europe member States on these matters."

Amendment 13

Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, paragraph 7, third sentence, replace the words "while it is aware that standards cannot be imposed" with the following words: "while it is aware that States Parties to the European Convention on Human Rights have a wide margin of discretion in this field".

Amendment 14

Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, delete paragraph 8.

9. As far as circumcision 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.

Amendment 5

Tabled by the Committee on Social Affairs, Health and Sustainable Development

In the draft resolution, at the beginning of paragraph 9, after the words " As far as circumcision", insert the following words: "of young boys".

Amendment 7

Tabled by Mr Reha DENEMEÇ, Mr Süreyya Sadi BİLGİÇ, Mr Suat ÖNAL, Mr Ali ŞAHİN, Mr Ahmet Berat ÇONKAR, Mr Ekmeleddin Mehmet İHSANOĞLU, Mr Mustafa Sait GÖNEN, Ms Tülin ERKAL KARA, Mr Şaban DİŞLİ

In the draft resolution, paragraph 9, replace the words "not to be allowed unless" with the following words: "to be".

Amendment 17

Tabled by Ms Lotta JOHNSON FORNARVE, Mr Andrej HUNKO, Mr Tiny KOX, Mr Nikolaj VILLUMSEN, Ms Carina OHLSSON

In the draft resolution, paragraph 9, at the end of the first sentence, add the following words: ", and with the permission of the child".

10. Where ritual slaughter is concerned, the Assembly is not convinced that legislation prohibiting this practice is really necessary, or that it would be 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.

Amendment 15

Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, at the end of paragraph 10, insert the following sentence: "The Assembly notes that the European Convention for the Protection of Animals for Slaughter (ETS no. 102) and the European Union's Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing do not prohibit ritual slaughter."

Amendment 22

Tabled by Mr Pavlo UNGURYAN, Mr Valeriu GHILETCHI, Mr Egidijus VAREIKIS, Mr Viktor VOVK, Mr Sergiy VLASENKO, Mr Emanuelis ZINGERIS

In the draft resolution, after paragraph 10, insert the following paragraph:

"The Assembly wishes to remind member States that the European Court of Human Rights has held that the practice of ritual slaughter falls within the purview of Article 9, and that while authorities may refuse to exempt religious slaughter from pre-stunning regulations, States are invited to give real meaning to Article 9, by imposing only such limitations which are necessary for safeguarding public health and hygiene whilst allowing the practice of ritual

slaughter, a fundamental component of the Jewish and Muslim faiths."

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;

Amendment 18

**Tabled by Mr Pavlo UNGURYAN, Mr Ihor HUZ,
Mr Georgii LOGVYNSKYI, Mr Egidijus
VAREIKIS, Mr Emanuelis ZINGERIS, Mr
Aleksandar NIKOLOSKI**

In the draft resolution, at the end of paragraph 13.1.3, insert the following words: ", 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 those minorities;

Amendment 19

Tabled by Mr Pavlo UNGURYAN, Mr Georgii LOGVYNSKYI, Mr Ihor HUZ, Mr Egidijus VAREIKIS, Mr Emanuelis ZINGERIS, Mr Aleksandar NIKOLOSKI

In the draft resolution, at the end of paragraph 13.2, insert the following words: ", and resist their marginalization 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 those communities in the combating of all extremism and fanaticism;

- 13.3.2. give encouragement to projects jointly developed by several communities, inter alia 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 pluralist, intercultural and inclusive democratic society;

- 13.4. promote in the school and extracurricular framework 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.

Amendment 6

Tabled by the Committee on Social Affairs, Health and Sustainable Development

In the draft resolution, at the end of paragraph 13.4, add the following words: ", including within the religious communities themselves".

B. Draft Recommendation

1. The Parliamentary Assembly, referring to its Resolution ... (2015) on freedom of religion and living together in a democratic society, and drawing attention to its Recommendation 1962 (2011) on the religious dimension of intercultural dialogue and Recommendation 1975 (2011) "Living together in 21st-century Europe: follow-up to the report of the Group of Eminent Persons of the Council of Europe", reiterates its support for an integrated approach to issues relating to "living together" and refers to the numerous proposals that those texts contain, not all of which have been followed by practical measures.
2. Convinced of the urgent need to step up the Council of Europe's action so that it can better support member States' efforts to combat the danger that fanaticism and religious extremism, but also xenophobia and rejection of anything different, represent to our democratic societies, the Assembly confirms its readiness to help to draw up a comprehensive Council of Europe strategy on this subject.
3. The Assembly further considers that, in this context, the Council of Europe should step up and make more substantial its co-operation with the main religious communities and the main European organisations representing the secular humanist and philosophical world. It consequently recommends that the Committee of Ministers:
 - 3.1. set up a stable and officially recognised platform for dialogue between the Council of Europe and senior representatives of religions and non-denominational organisations in order to consolidate the existing relations with those partners and foster active commitment by all the stakeholders in activities to promote the Organisation's fundamental values, which underpin "living together";
 - 3.2. include this initiative amongst the Council of Europe's action priorities and develop it speedily in consultation with the parties concerned, closely involving the Parliamentary Assembly in it; invite, if appropriate, the European Union and the United Nations Alliance of Civilizations, and possibly other partners, to contribute to it;
 - 3.3. link to this platform for dialogue the holding of thematic meetings on the religious dimension of intercultural dialogue, which should be made more operational;
 - 3.4. develop synergies between the platform and the thematic meetings on the religious dimension of intercultural dialogue with other Council of Europe projects and initiatives in the field of education, culture and youth, such as the "No Hate Speech Movement – Young People for Human Rights Online", "Education for Democratic Citizenship and Human Rights" and "Intercultural cities".

Amendment 16
Tabled by the Committee on Legal Affairs
and Human Rights

In the draft recommendation, paragraph 3.2, after the words "the European Union", insert the following words: ", the Organisation for Security and Co-operation in Europe (OSCE)".