European Parliament recommendation to the Council on the draft EU guidelines on the promotion and protection of freedom of religion or belief

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The Committee on Foreign Affairs adopted the own-initiative report by Laima Liucija ANDRIKIEN (EPP, LT) with a proposal for a European Parliament recommendation to the Council on the draft EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief.

The report recalls that the right to freedom of religion or belief, including theistic, non-theistic and atheistic beliefs, the right not to believe and the right to change one's religion or belief, is a **universal human right** and a fundamental freedom of each human being.

The European Parliament has repeatedly called for an **ambitious toolkit to advance the right to freedom of religion or belief as part of EU external policy**. Therefore, in this context, it has welcomed the EU's commitment to developing guidelines on freedom of religion or belief in accordance with the EU Action Plan on Human Rights and Democracy, and has stressed the need for Parliament and civil society organisations to be involved in the preparation of these guidelines.

Members address the following recommendations to the Council:

Reason for action: violence, persecution and discrimination against people belonging to religious communities and minorities, or against people who hold non-religious beliefs, persist in many parts of the world. The lack of religious tolerance and openness to dialogue and the lack of ecumenical coexistence often lead to political unrest, violence and open armed conflicts, endangering lives and undermining regional stability. **Clear and prompt condemnation by the European Union of all forms of violence and discrimination should be a basic element of EU policy in the area of freedom of religion or belief** . Particular attention should be paid to the situation of those who change their religion or belief, as in practice they are subject in a number of countries to social pressure, intimidation or outright violence.

Purpose and scope: the purpose and scope of the EU Guidelines should be to promote and protect freedom of religion or belief in third countries, to mainstream freedom of religion or belief in all the EU's external actions and human rights policies and to develop clear benchmarks, criteria, standards and a practical orientation in order to enhance the promotion of freedom of religion or belief in the work of officials from the EU institutions and Member States, and thus contribute to more coherence, effectiveness and visibility on the part of the EU in its external relations.

Definitions: the Guidelines should offer clarity in the definitions used. Clear definitions are also required as regards the recognition of the legal personality of religious and belief-based institutions and respect for their autonomy, the right to religious education of children, the right to conscientious objection of military service, the right to asylum, the right to observe days of rest and to celebrate holidays and ceremonies and the fundamental right to protection of one's property.

Freedom of expression: the EU should bear in mind that modern media tools allow for a greater degree of interconnectedness between cultures and faiths. Therefore, steps need to be taken to **avoid intercultural violence** as a reaction to acts of freedom of expression related to criticism. In this context,

the EU should help in reducing such tensions, for example by promoting mutual understanding and dialogue, and condemn unequivocally any act of violence committed in reaction to such speech, and it should firmly oppose any attempt to criminalise freedom of speech in relation to religious issues, such as blasphemy laws.

Collective dimension of freedom of religion or belief: it should be stressed in the Guidelines that an indispensable part of freedom of religion or belief is the right of each individual to manifest the freedom of religion or belief alone or in community with others. It should be noted in the Guidelines that the right to exercise religion in community with others (in the context of which 'individual freedoms must always be respected) should not unnecessarily be limited to officially recognised places of worship, and that all undue limitations to the freedom of assembly should be condemned by the EU. The Guidelines should underline that States have a duty to remain neutral and impartial towards religious groups, including as regards symbolic or financial support.

Education: the right of parents to educate their children according to their religious or non-religious convictions includes their right to deny any undue interference by state or non-state actors in their education opposed to their religious or non-religious convictions. The Guidelines should stress these aspects of the right to freedom of religion or belief, and should also guarantee secularisation in public education.

The right to conscientious objection: the Guidelines should include the right to conscientious objection to **military service** as a legitimate exercise of the right to freedom of thought, conscience and religion. The EU should call on states with a system of compulsory military service to allow for an alternative service of a non-combatant or civilian character, in the public interest and not of a punitive nature, and to refrain from punishing, including through prison sentences, conscientious objectors for failure to perform military service.

Asylum: the **EU should encourage third countries to accept refugees persecuted on the basis of their religion or belief**, and to provide them with asylum protection, especially in cases where refugees are threatened by death or violence. EU Member States should also step up their efforts to accept refugees persecuted on the basis of their religion or belief.

Civil society: support for and engagement with a broad range of civil society organisations, while developing and implementing the Guidelines, will be of crucial importance for the promotion and protection of freedom of religion or belief. The human rights focal points in the EU delegations should maintain regular contacts with these organisations in order to be able to **identify as soon as possible problems arising in the area of freedom of religion or belief** in their respective countries.

Monitoring and assessment: proper and ongoing monitoring and assessment of the situation in the area of freedom of religion or belief in the world has to be ensured by the European External Action Service. A **common circulaire** for the monitoring, assessment and support of the EU Guidelines should be adopted.

Use of external financial instruments: the EU's external financial instruments should be used both as incentives and deterrents (for example, freezing funds) with regard to freedom of religion or belief in a particular country, as this forms an integral part of the assessment of the overall human rights situation in the country. Members recommend that the use of human rights clauses in EU external agreements has to be binding and systematically integrated into all agreements of the EU with third countries.

Evaluation: Parliament should be involved in the evaluation of the implementation of the Guidelines, which should be carried out no later than three years after the Guidelines have come into force. It should be based on an analysis of the EU response to concrete situations related to the violation of freedom of religion or belief in third countries.