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

2013/2082(INI) - 13/06/2013 - Text adopted by Parliament, single reading

The European Parliament adopted by 372 votes to 213, with 26 abstentions, a resolution containing a European Parliament recommendation to the Council on the draft EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief.

The resolution 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.

Parliament addresses 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. The Guidelines should also apply to the **right to believe or not to believe** as well as the **right of parents to educate their children according to their moral convictions – i.e. religious or non-religious**.

Proportionality: as the draft Guidelines state, in accordance with the principles accepted by the international community, the freedom from coercion to have or to adopt a religion or belief and the liberty of parents and guardians to ensure religious and moral education cannot be restricted. Any other manifestation of the right to freedom of religion or belief may be subject only to 'such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others'. These limitations must be strictly interpreted, directly related and **proportionate with regard to the protected rights of others** and the right balance must be achieved.

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.

Secularism: the Guidelines underline that part of freedom of religion should include the freedom not to participate in any given religious activity or event. In this regard, plenary recalls the principle of **secularism** and stipulates in an amendment that it should be defined as the strict separation between religious and political authorities. It implies the **rejection of any religious interference in the functioning of government and of any public interference in religious affairs** except for the purpose of upholding rules of safety and public order (including respect for the freedom of others), and that it guarantees equal liberty of conscience for all, be they believers, agnostics or atheists.

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: a set of instruments for the monitoring, assessment and support of the EU Guidelines should be adopted in order to: (i) provide a detailed situation analysis checklist to track and monitor the situation as regards the right to freedom of religion or belief in the respective country in order to identify progress /setbacks; (ii) require EU Heads of Mission to report regularly on freedom of religion or belief issues, with a detailed assessment of the situation, as well as of the existence of violations of the right to freedom of religion or belief and repression against its defenders or other individuals; (iii) emphasise concrete action in international fora, or in development cooperation activities which have been instrumental in protecting and promoting the right to freedom of religion or belief; (iv) enable victims to give testimony before the EU institutions as regards their religious convictions. This set of instruments (**circulaire**) should be prepared in consultation with stakeholders and be ready **before the end of 2013**;

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. Parliament recommends 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.