

Rainer Forst: Toleration in the European Union

Background information on existing regulations/policy issues/initiatives

Keywords: *European convention on human rights; EU charter on fundamental rights; exercise of religious freedom; freedom of belief and religious tolerance; international covenant on civil and political rights; religious freedom; religious freedom in the EU; universal declaration of human rights*

Topic: The European Union should not tolerate member states restricting the right to religious freedom

Overview

- Religious freedom as a fundamental right is enshrined in the legal DNA of the via the European Convention on Human Rights, which all members of the Council of Europe have signed
 - A number of other documents both of European and international scope bind EU member states to uphold religious freedom
- In the recent past, religious freedom has been pointed out by EU officials to be on top of the agenda when it comes to the defense and furthering of human rights
 - “The freedom of religion or belief constitutes a fundamental priority on the EU's agenda, representing a key element of the EU's human rights policy. The EU continues to support the protection of the freedom of religion or belief and condemns acts of intolerance, violence and discrimination committed worldwide based on or in the name of religion or belief”¹
 - Carl Hallergard, EU Delegation in Geneva
- With debates around headscarf-bans and similar pieces of potential legislation in some EU member states, however, the discussion on the de facto viability of religious freedom within the EU has picked up again²

In detail

- Religious freedom within the European Union as a right has its basis in a number of legal documents, most notably:
 - The EU Charter of Fundamental Rights (Article 10)
Content: Most importantly, the charter states that “everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private,

¹ https://eeas.europa.eu/headquarters/headquarters-homepage/40945/eu-puts-spotlight-freedom-religion-or-belief-human-rights-council_en

² <https://theconversation.com/freedom-of-religion-under-threat-across-europe-after-eu-court-rules-employers-can-ban-headscarves-74583>

to manifest religion or belief, in worship, teaching, practice and observance”³

Full document: https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights_en

- The European Convention on Human Rights (Article 9)
Content: The convention provides the right to freedom of expression and information, subject to certain restrictions that are "in accordance with law" and "necessary in a democratic society"⁴
Full document: https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights_en
- Moreover, EU member states are bound to uphold religious freedom by their participation in conventions and charters ratified via the United Nations, most notably:
 - The Universal Declaration of Human Rights (UDHR)
Content: In Article 18 it is stated that “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”⁵
Full document: <http://www.un.org/en/universal-declaration-human-rights/>
 - ... and the International Covenant on Civil and Political Rights (ICCPR)⁶
- Against the spirit of the abovementioned documents, however, the discussion on the de facto viability of religious freedom within the EU has picked up again in some member states
 - The tendencies in some member states (especially Poland and Hungary) to put an emphasis on Christian traditions and denounce Muslim faith, for example with respect to immigration policies and the like, has drawn repeated criticism from EU officials⁷

Topic: NGOs/organizations/political networks concerned with deepening the legal basis for religious freedom

EPP Working Group on Intercultural Activities and Religious Dialogue

<http://www.eppgroup.eu/event/EPP-Group-Intercultural-and-Religious-Dialogue-conference-on-the-peace-potential-of-religions>

European Parliament Intergroup on Freedom of Religion or Belief and Religious Tolerance

<http://www.religiousfreedom.eu>

European Platform against Religious Intolerance and Discrimination (EPRID).

<http://www.eprid.eu>

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

⁴ https://www.echr.coe.int/Documents/Convention_ENG.pdf

⁵ <http://www.un.org/en/universal-declaration-human-rights/>

⁶ <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

⁷ <https://www.politico.eu/article/orban-crash-juncker-party-asylum-council-september-migration/>

Further reading

- https://www.ilga-europe.org/sites/default/files/Attachments/the_right_to_freedom_of_religion_or_belief_and_its_intersection_with_other_rights_0.pdf
- <https://www.theguardian.com/commentisfree/belief/2012/nov/07/court-judgments-religious-freedom>
- https://eeas.europa.eu/delegations/un-geneva/40263/event-hrc-37-religion-and-state-multidimensional-relationship_en
- <https://www.euractiv.com/section/freedom-of-thought/opinion/freedom-of-belief-is-the-key-to-freedom/>
- <https://www.euractiv.com/section/freedom-of-thought/news/is-the-eu-getting-serious-on-religious-freedom/>