

## Tackling intolerance and discrimination in Europe with a special focus on Christians [PACE Resolution 2136 (2015)<sup>1</sup>]

1. Intolerance and discrimination on grounds of religion or belief affect minority religious groups in Europe, but also people belonging to majority religious groups. Numerous acts of hostility, violence and vandalism have been recorded in recent years against Christians and their places of worship, but these acts are often overlooked by the national authorities. Expression of faith is sometimes unduly limited by national legislation and policies which do not allow the accommodation of religious beliefs and practices.

2. The reasonable accommodation of religious beliefs and practices constitutes a pragmatic means of ensuring the effective and full enjoyment of freedom of religion. When it is applied in a spirit of tolerance, reasonable accommodation allows all religious groups to live in harmony in the respect and acceptance of their diversity.

3. The Parliamentary Assembly has recalled on several occasions the need to promote the peaceful coexistence of religious communities in the member States, notably in *Resolution 1846 (2011)* on combating all forms of discrimination *based on religion*, *Recommendation 1962 (2011)* on the religious dimension of intercultural dialogue and *Resolution 1928 (2013)* on safeguarding human rights in relation to religion and belief, and protecting religious communities from violence.

4. Freedom of thought, conscience and religion is protected by Article 9 of the European Convention on Human Rights (ETS No. 5) and considered as one of the foundations of a democratic and pluralist society. Limitations to the exercise of free-

dom of religion must be restricted to those prescribed by law and necessary in a democratic society.

5. The Assembly is convinced that measures should be taken to ensure the effective enjoyment of the protection of freedom of religion or belief afforded to every individual in Europe.

6. The Assembly therefore calls on the Council of Europe member States to:

6.1. promote a culture of tolerance and “living together” based on the acceptance of religious pluralism and on the contribution of religions to a democratic and pluralist society, but also on the right of individuals not to adhere to any religion;

6.2. promote reasonable accommodation within the principle of indirect discrimination so as to:

6.2.1. ensure that the right of all individuals under their jurisdiction to freedom of religion and belief is respected, without impairing for anyone the other rights also guaranteed by the European Convention on Human Rights;

6.2.2. uphold freedom of conscience in the workplace while ensuring that access to services provided by law is maintained and the right of others to be free from discrimination is protected;

6.2.3. respect the right of parents to provide their children with an education in conformity with their religious or philosophical convictions, while guaranteeing the fundamental right of children to education in a

critical and pluralistic manner in accordance with the European Convention on Human Rights, its protocols and the case law of the European Court of Human Rights;

6.2.4. enable Christians to fully participate in public life;

6.3. protect the peaceful exercise of freedom of assembly, in particular through measures to ensure that counter-demonstrations do not affect the right to demonstrate, in line with the guidelines on freedom of assembly, of the European Commission for Democracy through Law (Venice Commission) and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR);

6.4. uphold the fundamental right to freedom of expression by ensuring national legislation does not unduly limit religiously motivated speech;

6.5. publicly condemn the use of and incitement to violence, as well as all forms of discrimination and intolerance on religious grounds;

6.6. combat and prevent cases of violence, discrimination and intolerance, in particular by carrying out effective investigations in order to avoid any sense of impunity among the perpetrators;

6.7. encourage the media to avoid negative stereotyping and communicating prejudices against Christians, in the same way as for any other group;

6.8. ensure the protection of minority Christian communities and allow such communities to be registered as a religious organisation, and to establish

and maintain meeting places and places of worship, regardless of the number of believers and without any undue administrative burden;

6.9. guarantee the enjoyment by minority Christian communities of the right to publish and use religious literature.

#### EDITORIAL NOTE

Freedom of belief is an increasingly significant issue for Christians in contemporary Europe, alongside the closely related concerns of freedom of conscience and freedom of expression.

This was highlighted in a significant recent report to the Parliamentary Assembly of the European Council (PACE) on *Tackling intolerance and discrimination in Europe with a special focus on Christians*.

The rapporteur was Valeriu Ghileti, who is both a Moldovan politician and president of the European Baptist Federation. In his report, Ghileti draws attention to "the absence of any Europe-wide surveys on intolerance and discrimination against Christians. However, an illustrative cross-section of incidents that have taken place over the past three years are referred to in this report, based on national reports provided by governments, NGOs and civil society organisations. With this report, I intend to shed light on a phenomenon which is largely overlooked".<sup>2</sup>

Because of this report, which was endorsed by the PACE Committee on Equality and non-Discrimination, PACE adopted the above resolution [*Tackling intolerance and discrimination in Europe with a special focus on Christians*].<sup>3</sup>

1. Resolution adopted by The Parliamentary Assembly of the Council of Europe (PACE) on 29th 2015 (8th Sitting), see *Doc. 13660*. Published at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?file-id=21549&lang=en>.
2. Valeriu Ghilechi, *Document 13660: Report to The Committee on Equality and Non-Discrimination. Tackling intolerance and discrimination in Europe with a special focus on Christians*. Strasbourg: Parliamentary Assembly - Council of Europe (PACE), 7th January 2015, 4-5. Published at <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=21340&Lang=EN>.
3. See also Lars Dahle, "Western Europe – Marginalization of Christians through Secularization?", in H. A. Gravaas, C. Sauer, T. Engelsviken, M. Kamil, and K. Jørgensen (eds.), *Freedom of Belief and Christian Mission* (Oxford: Regnum Books International, forthcoming).