

A. Draft resolution

Resolution 1928 (2013)¹

Provisional version

Violence against religious communities

Safeguarding human rights in relation to religion and belief and protecting religious communities from violence

1. The Parliamentary Assembly is concerned about the increasing occurrence of violent attacks against religious communities throughout the world. It notes that there is not only physical, but also psychological violence against persons because of their religion and it condemns such violence in unequivocal terms.

1. The Parliamentary Assembly is concerned about the increasing occurrence of violent attacks against religious communities **and individuals** throughout the world **on the basis of their religion or beliefs**. It notes that there is not only physical, but also psychological violence against persons because of their religion **or beliefs** and it condemns such violence in unequivocal terms.

2. The Assembly recalls that freedom of thought, conscience and religion are universal human rights enshrined in Article 9 of the European Convention on Human Rights (ETS No. 5) and Article 18 of the Universal Declaration of Human Rights, which every member State of the United Nations has committed to uphold:

“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.”

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3. The Assembly also wishes to draw attention to Article 18 of the 1966 International Covenant on Civil and Political Rights and to the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief; moreover, it reaffirms the utmost importance of the autonomy of religious communities and of their separation from the State, as well as of the neutrality and impartiality of the State on religious matters.

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4. The Assembly has consistently drawn attention to the importance of upholding freedom of conscience and of religion, which can only be subject to the limitations that are necessary in a democratic society. The following texts are relevant in this context: Recommendation 1162 (1991) on the contribution of the Islamic civilisation to European culture; Recommendation 1396 (1999) on religion and democracy;

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Recommendation 1720 (2005) on education and religion; Resolution 1464 (2005) on women and religion in Europe; Resolution 1510 (2006) on freedom of expression and respect for religious beliefs; Recommendation 1804 (2007) on State, religion, secularity and human rights; Resolution 1535 (2007) on threats to the lives and freedom of expression of journalists; Resolution 1580 (2007) on the dangers of creationism in education; Resolution 1605 (2008) and Recommendation 1831 (2008) on European Muslim communities confronted with extremism; Recommendation 1805 (2007) on blasphemy, religious insults and hate speech against persons on grounds of their religion; Resolution 1743 (2010) and Recommendation 1927 (2010) on Islam, Islamism and Islamophobia in Europe; and Recommendation 1957 (2011) on violence against Christians in the Middle East.

5. It recalls, in particular, Resolution 1510 (2006) on freedom of expression and respect for religious beliefs, in which it stated that “freedom of expression as protected under Article 10 of the European Convention on Human Rights should not be further restricted to meet increasing sensitivities of certain religious groups”. It emphasises that, as a general rule, freedom of expression should not be restricted to meet the sensitivities of any group in a democratic society.

6. The Assembly also wishes to insist on the need to combat all forms of religious fundamentalism and of manipulation of religious beliefs, which are so often the cause of present-day terrorism. Education and dialogue are two important tools that can contribute towards the prevention of such negative and dangerous trends.

7. While it is generally accepted that religious communities are better protected in Europe than in Africa, Asia and the Middle East, there are still problems being reported in Council of Europe member States.

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6. The Assembly condemns any instances of negative stereotyping of persons based on religion as well as the advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence.

7. The Assembly also wishes to insist on the need to combat all forms of religious fundamentalism and of manipulation of religious beliefs for terrorist purposes. Education and dialogue are two important tools that can contribute towards the prevention of such negative and dangerous trends.

8. While it is generally accepted that religious communities are better protected in Europe than in Africa, Asia and the Middle East, there are still problems being reported in Council of Europe member States. In some member States in particular, recent constitutional reforms raise serious concerns with regard to their compatibility with Article 9 of the European Convention on

Human Rights. The Assembly accepts that, if we are to be credible in our representations to non-member countries, such problems must be recognised, confronted and eliminated.

8. The Assembly therefore calls on member States to:

8.1. reaffirm that respect of human rights, democracy and civil liberties is a common basis on which they build their relations with third countries, and ensure that a democracy clause, incorporating religious freedom, is included in agreements between them and third countries;

8.2. take account of the situation of religious communities in their bilateral political dialogue with the countries concerned;

8.3. reaffirm that freedom of religion, conscience and belief is an essential part of the European human rights system guaranteed by the European Convention on Human Rights;

8.4. comply with their commitments and obligations to guarantee the full enjoyment of this fundamental right;

8.5. promote, both at national and Committee of Ministers level, a policy which takes into consideration the question of the full respect for, and the effective protection of, the fundamental rights of religious minorities in foreign relations;

9. The Assembly therefore calls on member States to:

9.1. ensure equality of treatment before the State and public authorities of all individuals and communities regardless of religion, faith or non-religious beliefs;

9.2. reaffirm that respect of human rights, democracy and civil liberties is a common basis on which they build their relations with third countries, and ensure that a democracy clause, incorporating religious freedom, is included in agreements between them and third countries;

9.3. take account of the situation of religious communities in their bilateral political dialogue with the countries concerned, in particular those countries in which blasphemy laws are in force;

9.4. reaffirm that freedom of religion, conscience and belief is an essential part of the European human rights system guaranteed by the European Convention on Human Rights;

9.5. comply with their commitments and obligations to guarantee the full enjoyment of this fundamental right;

9.6. note the particular status of women and girls in many traditional religious settings, to protect women and girls and to ensure that religion can never be invoked to justify violence against women, such as honour killings, bride burning, forced marriages, female genital mutilation, even by members of their own religious communities;

9.7. promote, both at national and Committee of Ministers level, a policy which takes into consideration, in foreign relations, the question of the full respect for, and the effective protection of, the fundamental rights of minorities defined by their religion or beliefs;

9.8. ensure that the religious beliefs and traditions of individuals and communities of the society are respected, while guaranteeing that a due balance is struck with the rights of others in accordance

8.6. accommodate religious beliefs in the public sphere by guaranteeing freedom of thought in relation to health care, education and the civil service;

8.7. ensure the right to well-defined conscientious objection in relation to morally sensitive matters, such as military service, in line also with various recommendations already adopted by the Assembly;

8.8. in full respect of the values that are the very essence of the Council of Europe, protect the liberty of parents, including in loco parentis, to ensure the religious and moral education and teaching of their children;

8.9. change their legal regulations whenever these go against the freedom of association for religious groups and churches;

8.10. ensure the full respect of Article 9 of the European Convention on Human Rights and that the freedom of religious communities is respected and exercised within the limits of the law.

with the case law of the European Court of Human Rights;

9.9. accommodate religious beliefs in the public sphere by guaranteeing freedom of thought in relation to health care, education and the civil service provided that the rights of others to be free from discrimination are respected and that the access to lawful services is guaranteed;

9.10. ensure the right to well-defined conscientious objection in relation to morally sensitive matters, such as military service or other services related to health-care and education, in line also with various recommendations already adopted by the Assembly, provided that the rights of others to be free from discrimination are respected and that the access to lawful services is guaranteed;

9.11. while guaranteeing the fundamental right of children to education in an objective, critical and pluralistic manner, respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions;

9.12. change their legal regulations whenever these go against the freedom of association for groups (including churches) defined by their religion or beliefs;

9.13. ensure the full respect of Article 9 of the European Convention on Human Rights and relevant jurisprudence by the European Court of Human Rights since 1949 and that the freedom of communities and individuals defined by religion or belief is respected and exercised within the limits of the law;

9.14. recognise the need to provide international protection for those seeking asylum due to religious persecution;

9.15. duly take into account the possible overlap between racism, xenophobia and religious hatred, keeping in mind that these phenomena are often directed against migrant communities.

10. The Assembly further urges those non-member States which have the status of partner for democracy, to move steadily towards acceptance of the above principles and values and resolves to

9. The Assembly further urges all States in which violence against **religious communities** has occurred to:

9.1. unequivocally condemn not only attacks on innocent people, but also the use of violence in general, as well as all forms of discrimination and intolerance based on religion and beliefs;

9.2. pursue and reinforce their efforts to combat and prevent such cases and bring to justice the perpetrators;

9.3. promote correct and objective education about religions, including those of minorities;

9.4. actively support initiatives aimed at promoting the inter-religious dimension of dialogue;

9.5. ensure the effective protection of **religious communities and of** their places of worship, including those of minorities;

9.6. respect and protect the cultural heritage of the various religions.

10. The Assembly calls on all religious leaders in Europe to condemn attacks on religious communities and other faith groups, and to accept the principle of equal respect for all human beings regardless of their religion.

11. Finally, the Assembly calls on the European Union to enhance its monitoring of the situation of **religious communities** in its political dialogue with non-member countries, **and to link its European Neighbourhood Policy, including financial aid, to the degree of human rights protection, including that of freedom of religion, and awareness in those countries.**

monitor their compliance.

11. The Assembly further urges all States in which violence against **communities and individuals defined by religion or beliefs** has occurred to:

11.1. unequivocally condemn not only attacks on innocent people, but also the use of violence in general, as well as all forms of discrimination and intolerance, **including hate speech,** based on religion and beliefs;

11.2. pursue and reinforce their efforts to combat and prevent such cases and bring to justice the perpetrators;

11.3. promote correct and objective education about religions **and non-religious beliefs,** including those of minorities;

11.4. actively support initiatives aimed at promoting the inter-religious **and intercultural** dimension of dialogue;

11.5. ensure the effective protection of **communities and individuals defined by religion or beliefs and of their meeting places and** places of worship, including those of minorities;

11.6. respect and protect the cultural heritage of the various religions.

12. The Assembly calls on all religious leaders in Europe to condemn attacks on religious communities and other faith groups, and to accept the principle of equal respect for all human beings regardless of their religion.

13. The Council of Europe urges member States where the restitution of church property is not yet concluded, to speed up this process and finish it in the short or medium term. The process should not be negatively affected or influenced by any political ideology or government.

14. Finally, the Assembly calls on the European Union, in its political dialogue with non-member countries, to enhance its monitoring of the situation **of communities and individuals defined by religion or beliefs.**

