

Provisional edition

State, religion, secularity and human rights

Recommendation 1804 (2007)¹

1. The Parliamentary Assembly notes that religion is an important feature of European society. This is because of the historic fact that certain religions have been present for centuries and because of their influence in Europe's history. Religions are still multiplying in our continent today, with a wide variety of churches and beliefs.
2. Organised religions as such are part and parcel of society and must be considered as institutions set up by and involving citizens who have the right to freedom of religion but also as organisations that are part of civil society, with all its potential for providing guidance on ethical and civic issues, which have a role to play in the national community, be it religious or secular.
3. The Council of Europe must recognise this state of affairs and welcome and respect religion, in all its plurality, as a form of ethical, moral, ideological and spiritual expression on the part of European citizens, taking account of the differences between the religions themselves and the circumstances in the country concerned.
4. The Assembly reaffirms that one of Europe's shared values, transcending national differences, is the separation of church and state. This is a generally accepted principle that prevails in politics and institutions in democratic countries. In Recommendation 1720 (2005) on education and religion, for instance, the Assembly noted that "each person's religion, including the option of having no religion, is a strictly personal matter".
5. The Assembly notes that, while protecting freedom of expression and freedom of religion, the European Court of Human Rights recognises the right of individual countries to organise and enact legislation regarding the relationship between the State and the church in compliance with the provisions of the European Convention on Human Rights, and notes that the Council of Europe member states today show situations with a varying degree of separation between government and religious institutions in full compliance with the European Convention on Human Rights and Fundamental Freedoms.
6. Over the last twenty years, religious worship has declined markedly in Europe. Fewer than one European in five attends a religious service at least once a week, whereas twenty years ago the figure was more than twice that. At the same time, we are witnessing the growing strength of the Muslim communities in virtually all the Council of Europe member states.
7. As a result of globalisation and the rapid development of new information and communication technology, some groups are particularly visible. What is undeniable, however, is that religion has, in recent years, again become a central issue of debate in our societies. Roman Catholics, members of the Orthodox Church, Evangelists and Muslims seem to be the most active here.

¹ *Assembly debate* on 29 June 2007 (27th Sitting) (see Doc. 11298, report of the Committee on Culture, Science and Education, rapporteur: Mr de Puig). *Text adopted by the Assembly* on 29 June 2007 (27th Sitting).

8. The Assembly recognises the importance of intercultural dialogue and its religious dimension and is willing to help devise a comprehensive Council of Europe strategy in this area. It considers, however, in the light of the principle of the separation of church and state, that inter-religious and interdenominational dialogue is not a matter for states or for the Council of Europe.
9. In Recommendation 1396 (1999) on religion and democracy, the Assembly stated that there was "a religious aspect to many of the problems contemporary society [faced], such as ... fundamentalist movements and terrorist acts, racism and xenophobia, and ethnic conflicts". This affirmation is as relevant as ever.
10. Governance and religion should not mix. Religion and democracy are not incompatible, however, and sometimes religions play a highly beneficial social role. By addressing the problems facing society, the civil authorities can, with the support of religions, eliminate much of what breeds religious extremism, but not everything.
11. Governments should take account of the special capacity of religious communities to foster peace, co-operation, tolerance, solidarity, intercultural dialogue and the dissemination of the values upheld by the Council of Europe.
12. Education is the key to combating ignorance, stereotypes and misunderstanding of religions and their leaders, and plays a central role in forging a democratic society.
13. Schools are an essential forum for intercultural dialogue and also lay the foundations of tolerant behaviour; they can effectively combat fanaticism by teaching children the history and philosophy of the main religions with restraint and objectivity. The media and families can also play an important part here.
14. A knowledge of religions is an integral part of knowledge of human history and civilisations. It is different from belief in, and worship of, a particular religion. Even countries where one religion prevails have a duty to teach the origins of all religions.
15. Various situations coexist in Europe. In some countries, one religion still predominates. Religious representatives may play a political role, as in the case of the bishops who sit in the United Kingdom House of Lords. Some countries have banned the wearing of religious symbols in schools. The legislation of several Council of Europe member states still contains anachronisms dating from times when religion played a more important part in our societies.
16. Freedom of religion is protected by Article 9 of the European Convention on Human Rights and Article 18 of the Universal Declaration on Human Rights. Such freedom is not unlimited, however: a religion whose doctrine or practice ran counter to other fundamental rights would be unacceptable. In any case, the restrictions that can be placed on such freedom are those that "are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others" (Article 9.2 of the Convention).
17. Nor do may states allow the dissemination of religious principles which, if put into practice, would violate human rights. If doubts exist in this respect, states must require religious leaders to take an unambiguous stand in favour of the precedence of human rights, as set forth in the European Convention on Human Rights, over any religious principle.
18. Freedom of expression is one of the most important human rights, as the Assembly has repeatedly affirmed. In Recommendation 1510 (2006) on freedom of expression and respect for religious beliefs it expresses the view 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".
19. While we have an acknowledged duty to respect others and must discourage gratuitous insults, freedom of expression cannot, needless to say, be restricted out of deference to certain dogmas or the beliefs of a particular religious community.
20. With regard to relations between the Council of Europe and religious communities, certain steps have been taken in order to promote a closer relationship.

21. It will be remembered in this connection that religious leaders have addressed the Assembly on several occasions in the past, and that the Assembly has accepted, in return, to attend major conferences organised by the religious communities. Moreover, dozens of religious and humanist organisations are already represented at the Council of Europe by virtue of the participatory status of non-governmental organisations.

22. The Assembly welcomes the Committee of Ministers' proposal that "annual exchanges on the religious dimension of intercultural dialogue" be organised on an experimental basis with representatives of religions traditionally present in Europe and of civil society.

23. The Assembly therefore recommends that the Committee of Ministers:

23.1. ensure that religious communities may exercise the fundamental right of freedom of religion without hindrance in all Council of Europe member states in accordance with the provisions of Article 9 of the European Convention on Human Rights and Article 18 of the Universal Declaration of Human Rights;

23.2. rule out any interference in religious affairs, but consider religious organisations as part of civil society and call on them to play an active role in pursuit of peace, co-operation, tolerance, solidarity, intercultural dialogue and the dissemination of the Council of Europe's values;

23.3. reaffirm the principle of the independence of politics and law from religion;

23.4. continue to give thought to the religious dimension of intercultural dialogue, particularly by organising meetings with religious leaders and representatives of humanist and philosophical circles;

23.5. exclude from the consultation any grouping that does not clearly support the Council of Europe's fundamental values, namely human rights, democracy and the rule of law;

23.6. Identify and disseminate examples of good practice in respect of dialogue with leaders of religious communities;

23.7. Consider setting up an institute to devise syllabuses, teaching methods and educational material for the study of the religious heritage of the Council of Europe member states; such syllabuses should be drawn up in close co-operation with representatives of the different religions traditionally present in Europe.

24. The Assembly further recommends that the Committee of Ministers encourage the member states:

24.1. to promote initial and in-service training for teachers with a view to the objective, balanced teaching of religions as they are today and religions in history, and to require human rights training for all religious leaders, in particular those with an educational role who are in contact with young people;

24.2. gradually to remove from legislation, if such is the will of the people, elements likely to be discriminatory from the angle of democratic religious pluralism.