

**A contribution by the Secretariat of COMECE to the consultation on
*"Tolerance and respect: preventing and combating anti-Semitic and
anti-Muslim hatred in Europe"***

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The Commission of the Episcopates of the European Community (COMECE) brings together the Bishop delegates from the Bishops' Conferences of the European Union's Member States. For more than thirty years now, COMECE has been closely involved in the process of European integration and offering its reflections to the EU institutions. COMECE is a partner of the EU institutions in the Dialogue foreseen by Article 17(3) of the Treaty on the Functioning of the European Union. Its permanent General Secretariat, based in Brussels, analyses EU policies on a day-by-day basis, striving to bring the specific contribution of the Catholic Church into the European debate.

In this context, the COMECE Secretariat is pleased to submit to the attention of the European Commission some remarks and proposals concerning the consultation on *"Tolerance and respect: preventing and combating anti-Semitic and anti-Muslim hatred in Europe"*.

QUESTIONS FOR CONSULTATION WITH STAKEHOLDERS

1 – Can you inform about new trends showing an increase in anti-Semitic and anti-Muslim incidents? What are to your mind the underlying factors for each of these phenomena: religion, culture, socio-economic or political circumstances, prejudices, etc.?

We do not have direct access to primary sources of information and data with regard to anti-Semitic or anti-Islamic episodes in the EU. However, the Church condemns (and encourages to condemn) such instances without any hesitation or ambiguity¹; and it is ready to voice its unequivocal support for the affected religious communities in their standing up against and countering the described phenomena.

Nevertheless, some reports and studies show the increase of anti-Semitic and anti-Muslim views in Europe². A Pew Research Center publication shows that at least half

¹ See, as the latest example, the statement by Pope Francis during his meeting of 20 April 2015 with the Conference of European Rabbis, when he expressed his concern on the rise of anti-Semitism and hatred/violence against Jews in Europe and declared that *"every Christian must be firm in deploring all forms of anti-Semitism, and in showing their solidarity with the Jewish people"*.

² Pew Research Centre, *Unfavourable Views of Jews and Muslims on the Increase in Europe*, September 2008:

of those surveyed in Italy, Greece and Poland have a negative opinion of Muslims who live in their country³. Also, in accordance with the *ADL-Global 100 - An Index of Anti-Semitism*, published by the Anti-Defamation League, EU Member States where the number of individuals who harbour anti-Semitic opinions represent 35% or more of the population are: Greece (69%), Poland (45%), Bulgaria (44%), Hungary (41%), France (37%), Lithuania (36%) and Romania (35%)⁴.

Useful reference can also be made to the annual reports and other tools offered by the ODIHR (*OSCE Office for Democratic Institutions and Human Rights*) concerning hate crimes, including anti-Semitism and anti-Muslim bias⁵.

On anti-Semitism, the EU Fundamental Rights Agency (FRA) has produced a commendable study on *Discrimination and hate crime against Jews in EU Member States: experiences and perceptions of antisemitism*⁶ showing inter alia evidence about a number of Jews in Europe considering the possibility of leaving the Continent, quoting security concerns. The Agency had already previously produced a report on *Muslims in the European Union: Discrimination and Islamophobia*⁷. Within this remit, FRA can play a useful role, by upholding its responsibility to facilitate evidence-based EU policies, while providing reliable data to the EU institutions. A broader and more comprehensive approach by the Agency in tackling topics connected with religion would also be advisable (e.g. all forms of intolerance and discrimination on grounds of religion and of incitement to hatred based on religious grounds should receive attention). We would also underline that while data and statistics are important, an in-depth analysis of the root causes of these phenomena is even more urgent.

Concerning the factors at the basis of the phenomena at issue, we would like to stress that religion (as culture, politics or economy) should not be seen as a negative/divisive/disruptive element, but rather as a positive factor and as “part of the solution” to social tensions: each religion can play an important role in society, fostering ideas like respect, inclusion, dialogue and social harmony. Religions have the role and the power to sustain hope and promote engagement and action for the common good not only now but for the future as well. Growing difficulties with acceptance of the role of religion and its expression in the public square and in society can rather be one of the relevant motivations for the phenomena at issue⁸.

<http://www.pewglobal.org/files/2008/09/Pew-2008-Pew-Global-Attitudes-Report-3-September-17-2pm.pdf>.

³ *A Fragile Rebound for EU Image on Eve of European Parliament Elections*, May 2014: http://www.pewglobal.org/files/2014/05/2014-05-12_Pew-Global-Attitudes-European-Union.pdf.

⁴ <http://global100.adl.org/public/ADL-Global-100-Executive-Summary.pdf> (see in particular page 25).

⁵ <http://hatecrime.osce.org/infocus/consult-our-2013-hate-crime-reporting>.

⁶ The text is available at the link http://fra.europa.eu/sites/default/files/fra-2013-discrimination-hate-crime-against-jews-eu-member-states-0_en.pdf.

⁷ http://fra.europa.eu/sites/default/files/fra_uploads/156-Manifestations_EN.pdf.

⁸ On the role of religion in the public square reference can be made to the address of Pope Benedict XVI of 17 September 2010, in Westminster Hall, available at the link

Aggressive secularism, atheism or laicism can also contribute to creating a climate that is conducive to the presence and practices of discrimination and intolerance on grounds of religion. Another element that definitely plays a role is the ‘fear of the different’, often accompanied by or grounded in lack of awareness or downright ignorance.

With reference to the title of this consultation, we would be more skeptical towards the use of the word ‘tolerance’, which implies a rather negative connotation, as if religion was ‘accepted’ in society, but in fact not more than ‘tolerated’, being in principle a negative factor and an element of ‘disturbance’.

2 – To which extent do you think anti-Semitism and anti-Muslim hatred require a specific or a common response?

The reality of the two communities in question in Europe is very different, both in quantitative (numbers and distribution) and qualitative terms (legal status – migrants/asylum seekers; regular/irregular; historical presence; different schools of thought and understandings/interpretations, etc.). No realistic ‘common’ policy or decision can be adopted while disregarding this background and therefore, more targeted approaches to anti-Semitism and anti-Muslim hatred (and to hatred towards religions at large in Europe) are advisable.

One important element, commonly related to the two phenomena, is the need for greater respect for the *specificities* of these religious communities, in the more general context of an enhanced respect for the specificities of the major religions that are present in Europe. Texts such as the PACE Resolution 1952 (2013) on *Children’s right to physical integrity*⁹ send worrying signals of a lack of understanding in this regard. The social and legal trend to ban circumcision does not comply with the need to respect religious traditions. The topic of religious slaughtering of animals is also intensely debated: in the context of the relevant EU legislation, a very delicate balancing is required between the standards of animal protection existing in Europe and the need for certain religious communities to comply with the prescriptions of their religion. The European Court of Human Rights is also called upon to consider cases¹⁰ of detained people belonging to certain religious communities, who are not put in the condition to follow their own (religious) dietary requirements, when not also of the possibility to pray/practice their religion in adequate spaces within prisons. The same principles should be applied to asylum seekers in detention centers. National authorities should be encouraged to pursue policies that address such matters¹¹.

http://w2.vatican.va/content/benedict-xvi/en/speeches/2010/september/documents/hf_ben-xvi_spe_20100917_societa-civile.html.

⁹ <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=20174>.

¹⁰ See the decisions in the cases *Vartic v. Romania n° 2* (17 December 2013, Application no. 14150/08) or *Jakóbski v. Poland* (7 December 7 2010, Application no. 18429/06), amongst others.

¹¹ The COMECE Secretariat, in its 2013 contribution to the consultation on the future of EU justice policies stressed that “*In the area of detention, an effective follow-up should be given to the Green*

3 – Beyond security measures, which are necessary to ensure the security of people and sites, how can the feeling of security of Jewish and Muslim communities in European States be improved?

The basis for a peaceful coexistence and rich cooperation among citizens and communities, as well as presence of such communities and of religions in European societies, is the full guarantee of the right to the freedom of thought, conscience and religion in all its aspects (individual and collective, private and public, institutional). The EU institutions are called upon to strictly scrutinise the respect in its proposals of such a core fundamental right in accordance with Article 10 of the Charter of Fundamental Rights of the European Union. The provision is also binding for EU Member States when they implement EU law. The same applies to Article 22 of the EU Charter, which states that *“The Union shall respect cultural, religious and linguistic diversity”*. Article 17(1) of the Treaty on the Functioning of the EU refers to the respect and non-prejudice on the part of the EU for the status under national law of Churches and religious associations or communities in the Member States. This provision – and the full compliance with it on the part of the EU institutions – can also have a paramount role in ensuring the conditions for answering the challenges raised by this consultation.

With regard to the point addressed with the present question, we would like to highlight the contribution that can be made (also in partnership with Churches and religious communities) by local communities and initiatives, at the grass-roots level, so as to foster inclusion, integration, exchanges, a feeling of ownership in the community and in society and to fight against marginalisation and social and economic exclusion, also through to the opportunities offered by EU funding. On the other hand it has correctly been underlined that *“It is necessary that persons belonging to a minority culture in their country do not isolate themselves and do not attempt to develop a parallel society”*¹².

More generally, an effective fight against impunity (which emboldens the culprits) is also essential. An increasing feeling of security can also derive from the public opinion being more united and firm in condemning certain episodes. Feelings of insecurity can be counterbalance by explicit and public expression of support to those suffering such situations. Particularly important is the daily life’s environment

in neighbourhoods, schools, at work, etc., where members of these religious communities interact with other persons of different religions and beliefs. Local authorities, directors of schools and teachers, employers and colleagues at work, etc. can play a role in expressing their explicit support for their presence in shared spaces.

paper Strengthening mutual trust in the European judicial area – A Green Paper on the application of EU criminal justice legislation in the field of detention, with particular emphasis on humane conditions of detention at the forefront”.

¹² See paragraph 11 of the PACE Assembly’s Resolution 1743 (2010) on *Islam, Islamism and Islamophobia in Europe*.

Giving victims room in the public square to express their concerns could also raise awareness in society about what they really need from society itself to feel more secure.

In case they are migrants, an improvement of integration (through: civic participation of migrants, early integration measures, protection of family life, participation in inter-cultural and inter-religious events, programmes for the development of skills, in order for migrants to have access to the labour markets, etc.), can certainly make them feel more 'inside' than 'outside' hosting societies.

As a concrete example, demonstrations nearby places of worship, particularly in time of religious ceremonies, should not be authorised if there is a reasonable understanding that they can provoke intimidation towards the worshippers.

4 – Which measures do you think would be most effective in tackling the issue of hate speech, including online, with a particular focus on expressions of anti-Semitism and islamophobia?

More robust legal definitions of key terms such as, for instance, hatred, discrimination (including harassment), violence are needed in order to avoid unclear or vague notions that undermine legal certainty – in particular in criminal legislation – and harm other fundamental rights and freedoms. Member States must ensure that the three-part test for restrictions of freedom of expression – legality, proportionality and necessity – also applies to cases of incitement to violence.

In general, 'hate speech' policies and measures should address episodes of intolerance concerning religions at large¹³. As it was stressed in an analogous context by Recommendation 1805 (2007) of the PACE Assembly on *Blasphemy, religious insults and hate speech against persons on grounds of their religion*, it should be ensured that “...members of a particular religion are neither privileged nor disadvantaged under blasphemy laws and related offences”¹⁴.

The EU is by no means deprived of instruments to tackle the question raised. *Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law* offers consistent support in this regard, as it also attributes a relevant role to the religious element and its protection against such attacks. The European Commission should make full use of its new enforcement powers and the relevant option of launching infringement proceedings with regard to the Framework Decision, so as to ensure a correct and attentive

¹³ Reference can be made to the good example of the recent Resolution 2036 (2015) of the PACE Assembly of the Council of Europe on *Tackling intolerance and discrimination in Europe with a special focus on Christians*.

¹⁴ Recommendation 1805 (2007) of the PACE Assembly on *Blasphemy, religious insults and hate speech against persons on grounds of their religion*, paragraph 11.

implementation of the text in the Member States. Particular attention should be devoted to the transposition of the text concerning jurisdiction for hate speech acts committed through an information system; and condoning, denial or gross trivialisation of certain crimes.

Concerning the use of the term ‘Islamophobia’, we would like to express doubts on such terminology and would rather suggest to use the expression ‘anti-Muslim’ (hatred, intolerance and discrimination). As any other ‘-phobia’ concept, Islamophobia seems to refer to an ‘irrational and disproportionate fear’, which lends itself to pervasive applications and to instrumentalisations, including to prevent any kind of critical discussion or expression of opinion on Islam. Recommendation 1805 (2007) of the PACE Assembly correctly states at paragraph 5 that *“...in a democratic society, religious groups must tolerate, as must other groups, critical public statements and debate about their activities, teachings and beliefs, provided that such criticism does not amount to intentional and gratuitous insults or hate speech and does not constitute incitement to disturb the peace or to violence and discrimination against adherents of a particular religion”*.

Cooperation with Internet providers should be enhanced, and companies that provide, in Europe and outside, social networking, video sharing and blogging services. The topic should be included in negotiations with third countries, particularly with the US (where the world largest companies are present with their head offices), and with countries where jihadist propaganda is largely relying on the Internet.

Concerning online posting of offensive and threatening content, it is advisable to carry out research (including with the support of EU funds) into current practices of moderation of user-generated content and to produce good practice-based guidance to help on-line moderators in the future¹⁵. Fostering and incentivising codes of conduct and other self-regulatory initiatives by IT operators should also contribute to countering hate crimes against religions online.

Member States should also help and assist new-comers to appreciate the importance in their respective societies of the rule of law and the principle of equality regardless of religious background; the historical roots on which their cultural systems are based; and about the need to built up a “two-way bridge” for a better integration into the hosting societies.

Political interference in some religious communities in Europe by foreign states or non-state actors, dictating them a mixed political-religious discourse fuelling feelings

¹⁵ Department for Communities and Local Government, *UK Government Action on Antisemitism*, December 2014. The text is available at the link https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/390904/Government_Action_on_Antisemitism_final_24_Dec.pdf.

of hatred against other religious communities, and the financing of their leaders and activities, should be tackled by public authorities¹⁶.

Finally, to quote again from Recommendation 1805 (2007) of the PACE Assembly, we would agree that *“With regard to blasphemy, religious insults and hate speech against persons on the grounds of their religion, the state is responsible for determining what should count as criminal offences within the limits imposed by the case law of the European Court of Human Rights”* (§ 4).

5 – What are the main challenges and gaps in effectively combatting racist, anti-Semitic and islamophobic speech and crime in terms of legislation and its implementation? What should be done to overcome these challenges and how do you think the EU could facilitate this?

There is a right to freedom of expression, including critical dispute, humour, artistic expression, and the recourse to exaggeration¹⁷, but not to grossly offend or harm. There must be a legal rejection of any presumed “right” to insult religious groups or members of that group for their membership, and their sacred beliefs and symbols¹⁸. On the other hand, freedom of expression should not be further restricted to meet increasing excess sensitivity of certain religious groups¹⁹.

Radicalisation of youth off and on line (in particular, in Internet social networks) should be fought against and criminal trials should be brought on with regard to those directly inciting to violence towards identified religious targets. In this regard, we would like to express appreciation for the proposed enhancement of the Radicalisation Awareness Network (RAN) in the context of the new European Agenda on Security.

Defamation of persons or groups should be countered and the perpetrators should face their legal - civil or criminal - responsibility in full compliance with the provisions of the European Convention on Human Rights (ECHR) and the EU Charter (reference can be made to what was stated above as for the negative effect of impunity). Double standards in the application of legal standards depending on the group or person targeted should be avoided.

¹⁶ On this point see also paragraph 7 of Resolution 1743 (2010) of the PACE Assembly of the Council of Europe on *Islam, Islamism and Islamophobia in Europe*.

¹⁷ PACE Resolution 1510 (2006) on *Freedom of expression and respect for religious beliefs*, paragraph 9.

¹⁸ See the ECtHR decision in the case *Aydin Tatlav v. Turkey* (decision of 2 May 2006, § 28, Application no. 50692/99).

¹⁹ PACE Resolution 1510 (2006) on *Freedom of expression and respect for religious beliefs*, paragraph 12.

In general, we see more challenges concerning the continued and correct implementation of national and EU law (and the attentive monitoring thereof) rather than glaring gaps in the legislation.

One aspect to which we would like to draw attention concerns *Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)*. The text opportunely provides that:

- *“In respect of on-demand audiovisual media services, Member States may take measures to derogate from paragraph 1 in respect of a given service if the following conditions are fulfilled: the measures are necessary for one of the following reasons: public policy, in particular the prevention, investigation, detection and prosecution of criminal offences, including... the fight against any incitement to hatred on grounds of race, ... religion” (Article 3(4)(a)(ii));*
- *“Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to hatred based on race, ... religion” (Article 6);*
- *“Member States shall ensure that audiovisual commercial communications provided by media service providers under their jurisdiction comply with the following requirements:... audiovisual commercial communications shall not:... include or promote any discrimination based on racial or ethnic origin, ... religion or belief” (Article 9(1)(c)(ii)).*

We would strongly advocate the preservation of such clauses in the future revision of the Directive²⁰.

Consideration should also be given to the reintegration of a provision of the precedent Council directive 89/552/EEC, which provided at Article 12(1), letter c) that *“Television advertising shall not... be offensive to religious... beliefs”*.

On the concept of ‘Islamophobia’ reference can be made to the remark provided at question number 4.

²⁰ In this regard what is stated on page 5 of the *First Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the application of Directive 2010/13/EU "Audiovisual Media Service Directive"* is significant: *“Prohibition of incitement to hatred based on race, sex, religion or nationality is a key public policy objective pursued by the AVMSD. During the reference period, this provision was applied in relation to the repeated broadcasting by the satellite channel Al Aqsa under French jurisdiction of material inciting to anti-Semitic hatred. The Commission intervened and the French regulator ordered the French satellite capacity provider Eutelsat to stop the retransmission of Al Aqsa TV, who ceased transmitting such programmes in Europe”*.

6 – What would be the most effective avenues of cooperation to ensure greater effectiveness in preventing and combating anti-Semitic and anti-Muslim discrimination and hatred (i.e. in the area of investigation, prosecution, data collection, victims’ reporting and support, etc.)? What would be the role of civil society and national and local authorities and communities?

In this regard, we would recommend to exploit all the avenues offered by the new *Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime*. The fight against secondary and repeat victimisation, intimidation and retaliation is essential. However, it is not just a matter of criminal sanctions/punishment, as education is also key, both in preventing and in fighting the root causes (on this point reference can be made to the answer to question 13). In its contribution to the consultation on the future of EU justice policies the COMECE Secretariat also supported the creating of ‘victim funds’.

A relevant impact can derive from national, regional and local action plans to prevent violence committed against particular groups because of their religion, such as Muslims or Jews, in close consultation with them and other institutions (religious, academic, NGOs...), as e.g. the *UK Government Action on Anti-Semitism*²¹. Regional and local authorities have an extremely delicate responsibility, as they are better placed and closer to the ground where the relevant facts and episodes occur and have to be tackled. However, much depends on them being provided with adequate and effective legal, administrative and financial means. Training of officials (as well as of active or prospective media operators) in religious freedom issues and the role of religion in communities might also be a positive instrument to fight against certain discriminatory behaviours. Several examples of the importance of local authorities in integration actions could be seen, regarding integration of Roma people, in the “EU Framework for National Roma Integration Strategies up to 2020” (5 April 2011).

New forms of hidden Anti-Semitism (“secondary Anti-Semitism”²²) are publicly presented as critical Anti-Zionism against Israel, particularly by some far left and far right parties in Europe. Social awareness of anti-Semitic approaches to the Middle East conflict would help to decrease negatively biased perceptions²³.

²¹ Department for Communities and Local Government, *UK Government Action on Antisemitism*, December 2014: <http://bit.ly/1DFNSXF>. Other examples are the “*Piano nazionale d’azione contro il razzismo, la xenofobia e l’intolleranza*” (National action plan against racism, xenophobia and intolerance) under discussion in Italy and the *Action Plan 2015-2017* launched in France to fight against racism and anti-Semitism (information available at the link <http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2015/05/la-republique-mobilisee-contre-le-racisme-et-l-antisemitisme-plan-d-action-2015-2017.pdf>).

²² European Union Agency for Fundamental Rights, *Anti-Semitism – Summary overview of data available in the European Union 2001–2011*, October 2012: <http://bit.ly/1lfoago>.

²³ OSCE-ODIHR, *Addressing Anti-Semitism: Why and How? A Guide for Educators*, December 2007, p. 21.

The second part of the question refers to ‘civil society’, but not explicitly to Churches²⁴. The Church distinguishes herself from civil society and has a specific contribution to make. We can find a number of initiatives that can help in creating a positive approach to Muslims and Jews, like, for instance, the Course for Catholic living and working with Muslims in the Jesuit Community in Oxford (UK); or the

“Interfaith fair”, a day of story telling, crafts and performance, supported by the England and Wales Conference of Catholic Bishops²⁵.

Potential partners in religious and civil society groups should be identified, so as to develop joint projects, also involving women and youth.

Finally, the central role of the family should also be recognised and valued, as the family is the first place where children can be educated to a culture of respect and dialogue. Intermediate social formations such as associations and volunteering organisations should also be enabled (including from a financial point of view) to contribute in a continued way to the relevant process.

7 – How can social inclusion and inter-cultural cooperation contribute to actively combat anti-Semitic and Anti-Muslim discrimination and promote equality? What can be done at local level to contribute to actively combat such discrimination? Could you give some examples of best practices? What are in your opinion the most effective tools to counter amalgams, stereotypes and negative perceptions?

The reference to the contribution of inter-cultural ‘cooperation’ is to be welcomed. The inter-religious dimension of inter-cultural dialogue should be fully integrated in this discourse, because as Pope Francis wrote, inter-religious dialogue is “*a necessary condition for peace*”²⁶.

Inter-religious dialogue should be focused not exclusively on religious tenets, but also on agreeing upon the human dignity of every person²⁷. On the other hand, it is also necessary that the relevant work is carried out not only by theologians or clerics,

²⁴ In this regard see also the *European Parliament resolution of 13 January 2009 on the perspectives for developing civil dialogue under the Treaty of Lisbon*, paragraph 20: “...besides dialogue with civil society, there also needs to be an open, transparent and regular dialogue between the Union and churches and religious communities, as provided for by the Treaty of Lisbon”.

²⁵ <http://catholicnews.org.uk/understanding-islam-course>.

²⁶ *Apostolic Exhortation “Evangelii Gaudium” of the Holy Father Francis to the Bishops, clergy, consecrated persons and the lay faithful on the proclamation of the Gospel in today’s world*, § 250: http://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html.

²⁷ Archbishop Celestino Migliore, *Catholicism and Islam: Points of Convergence and Divergence, Encounter and Cooperation*, Notre Dame University, 15 November 2007, page 9, available at the link https://nanovic.nd.edu/assets/16447/paper_8.pdf.

but that philosophers and jurists are also invited to discuss about the natural dimension of personhood and rights²⁸.

Concerning inter-religious dialogue we would also like to refer to our contribution to the public consultation on future funding activities in the area of Justice, Fundamental Rights and Equality for the period after 2013²⁹.

In this context, we take the opportunity to stress a more general element concerning inter-religious dialogue that we consider of key relevance. The Dialogue foreseen by Article 17(3) TFEU is not a Dialogue *between* Churches, religious associations or communities (or between religions in general). This provision of EU primary law formulates an obligation for a Dialogue between *the EU institutions* on one side and Churches, religious associations or communities on the other. Therefore Article 17(3) TFEU does not 'foresee inter-religious dialogue' (even less it provides the EU institutions with the legal basis for 'organising' dialogue between faiths).

Concerning, more broadly, the other issues raised with the present question, some concrete proposals we would refer to are:

- Joint teams of volunteers (both Muslims and Jews) to remove offensive graffiti and report them to the police;
- Creating public spaces to gather together in daily life: e.g., local celebrations or commemorations; families' events; children exhibitions or concerts etc.;
- Sensitivity with respect to mainstream architectural styles when building up religious or cultural facilities, showing the will to integrate in the hosting societies;
- Enlarging reporting of verbal outbursts or physical harassment and attacks against any other religious groups or communities (in addition to Jews and Muslims), their members, properties, temples, etc. so as to avoid the perception that there is a biased selection of victims belonging to certain particular religious groups;
- Supporting social charitable work benefiting all persons of any religion who is in need of support (migrant, refugee, victim of trafficking, minor, unemployed, etc.).

²⁸ *Ibid.* See also: Anver M. Emon, Matthew Levering y David Novak, *Natural Law: A Jewish, Christian, and Islamic Trialogue*, Oxford University Press, 2014.

²⁹ "As for fostering interfaith dialogue at the level of the European Union (also part of the original scope of the programme) we would like to underline that: a) we do not share the idea that interfaith dialogue cannot be sufficiently dealt with at the national level and can be better managed at the EU level (Recital 16 of Council Decision No 2007/252/EC); b) in general, we believe that interfaith dialogue suffers if it is structured/run/conducted by institutions (be it at the national or EU level) and that such tasks should be left up to the spontaneous initiatives of the different Churches and religious communities, both as for the times and the modalities of the dialogue; c) it is important not to water down, interfere with or create confusion in the context of interfaith dialogue by simultaneously involving in it humanist/non-confessional entities, which obviously have no positive interest in (and often oppose) the religious element".

For the role of media in countering stereotypes, reference can be made to the answer to question number 9.

8 – What are the main gaps and obstacles (legislative, political, administrative, or financial) to fill at national/local level to counter discrimination based on religion, belief and/or ethnic origin in practice? How can such gaps be tackled at EU level?

Directive 2000/78/EC already offers sound protection against discrimination in the employment and occupational sector, including on grounds of religion - encompassing both religious associations or communities and Churches. Of particular importance is Article 4 of the said Directive (*Occupational requirements*), with a formulation that would benefit from further strengthening. Strong guarantees such as the one contained in Article 4 of Directive 2000/78/EC should actually be present in any non-discrimination legislation proposed or adopted by the EU, also to ensure full respect for Article 17(1) TFEU.

According to recent information, the European Court of Justice will be called upon to rule on cases of prohibition of wearing the veil in the employment context in some Member States. The Court has a key responsibility in this sense, as it will have the delicate task of providing, for the first time, guidance on a matter that requires careful balancing.

A legal instrument that can contribute to improving the situations hereby analysed - and to be carefully explored with regard to the future of EU non-discrimination policies - is the concept of 'reasonable accommodation' on grounds of religion or belief. At the moment, this concept is foreseen by Article 5 Directive 2000/78/EC for disabled persons, but its extension to the ground of discrimination on grounds of religion or belief might prove a key component in answering to the challenges at issue. Resolution 2036 (2015) of the PACE Assembly of the Council of Europe on *Tackling intolerance and discrimination in Europe with a special focus on Christians* explicitly supports this solution at paragraphs 2 and 6.2.

Already in the Encyclical Letter *Centesimus Annus*, Pope John Paul II had stressed the essential importance of "...the right to express one's own personality at the workplace without suffering any affront to one's conscience or personal dignity"³⁰. This also requires a greater effort of all the parties involved in constantly working out together the way to reconcile opposing positions. Rigidity leads to tensions and ultimately to conflict and the maturity of a society is also measured by the extent to which it manages (or fails) to find acceptable and convincing solutions in intricate matters involving balancing conflicting rights.

³⁰ "*Centesimus Annus*" Encyclical Letter to his venerable brother Bishops in the Episcopates the priests and deacons families of men and women religious all the Christian faithful and to all men and women of good will on the hundredth anniversary of *Rerum Novarum*, § 15: http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus.html.

More generally, some positive indications, with regard to the role of religion at the workplace, also derive from the *Eweida and Others v. United Kingdom* judgment of the European Court of Human Rights³¹.

Other elements that can be relevant for the matter raised by the present question are:

- Countering under reporting: according to FRA, “*this lack of systematic data collection contributes to gross under-reporting on the nature and characteristics of anti-Semitic incidents that occur in the EU*”³². Member States should provide disaggregated data on religiously motivated acts of violence committed in their jurisdiction³³;
- No legal ban of circumcision;
- Supporting families in their right and responsibility to educate their children and the right of parents to educate their children in conformity with their religious convictions, and not to be indoctrinated by the State, as recognised by Article 2, Protocol I to the ECHR;
- Ensuring that religion can never be invoked to justify violence against women, such as honour killings, bride burning or forced marriages and female genital mutilation, even by members of their own religious communities³⁴, and regardless of the nominal consent of the victim³⁵;
- Providing international protection for those seeking asylum due to religious persecution, in order to facilitate their integration³⁶;
- Consistency between high-level statements by top officers and State leaders and practical decisions by public servants; fighting against real discrimination of certain minorities in public administration and facilities, creating an atmosphere of truly full equality amongst citizens.

³¹ Concerning the wearing of a Cross at the workplace, the Court rejected the approach according to which a distinction should be drawn between what is and what is not a mandatory requirement of a certain religion, with the latter not deserving protection. The Court underlined that the existence of a sufficiently close and direct nexus between an act and the underlying religious belief is sufficient. The Court also stated that, considering the importance of freedom of religion in a democratic society, the possibility of changing job is not sufficient to exclude an interference with this right in the case of restrictions on it in the workplace.

³² FRA, *Anti-Semitism – Summary overview of data available in the European Union 2003–2013*, October 2014: <http://bit.ly/1JLScKy>.

³³ Heiner Bielefeldt, *UN Report of the Special Rapporteur on freedom of religion or belief*, 29 December 2014, paragraph 95.

³⁴ Resolution 1928 (2013) of the PACE Assembly of the Council of Europe on *Safeguarding human rights in relation to religion and belief, and protecting religious communities from violence*.

³⁵ Resolution 1464 (2005) of the PACE Assembly of the Council of Europe on *Woman and religion in Europe*, paragraph 7.7.1.

³⁶ The COMECE Secretariat, together with other ecumenical partners, also stressed already in the 2007 consultation on the future Common European Asylum System that “*The timeframe of up to one year before granting access to the labour market (to asylum applicants) is much too long; taking into consideration psychological effects of unemployment on a person, integration and rehabilitation measures are severely undermined by this provision*”.

The so-called 'Racial equality directive' (2000/43/EC) complements Directive 2000/78/EC and contributes to address the issues raised by this consultation. With regard to this text, as well as for Directive 2000/78/EC, it is essential to strengthen the provision of statistical evidence and data, which can be essential to ensure evidence for claims of indirect discrimination.

9 – What role could leaders, including religious and community leaders, play in proposing social representations and a narrative which are inclusive, based on common values and mutual understanding? Which are the most effective practices taken that have effectively evidenced a positive impact and a potential for replication, in particular at local level and amongst and by young people? What could be the role of the media in this respect?

The adoption of resolutions and declarations strongly condemning violence against any religious group is essential.

In this regard, Church and religious communities could take the following actions:

- Isolation by the religious groups and leaders of those members who are preaching and practicing religious hatred and violence. Clerics should be encouraged to expose the theological lack of legitimation of those who support such attitudes and behaviours;
- Using media belonging to Churches, religious groups and communities to reach out with a message of peace and reconciliation;
- Promoting a positive approach to the members of other religious communities: e.g., *Nostra Aetate* Declaration (II Vatican Council)³⁷ and working "*sincerely for mutual understanding and to preserve as well as to promote together for the benefit of all mankind social justice and moral welfare, as well as peace and freedom*"³⁸. Concerning the Jews, "*the Church, mindful of the patrimony she shares with the Jews and moved not by political reasons but by the Gospel's spiritual love, decries hatred, persecutions, displays of anti-Semitism, directed against Jews at any time and by anyone*"³⁹;
- Joint public statements by religious leaders and clerics to condemn any violence or incitement to violence against any religious community and its members, religious sites and properties. The role and responsibility of religious leaders in condemning acts of violence or incitement to hatred, including when coming from their own communities, should be highlighted.

³⁷ Declaration on the relation of the Church to non-Christian religions "Nostra Aetate", proclaimed by His Holiness Pope Paul VI on October 28, 1965, available at the link http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651028_nostra-aetate_en.html.

³⁸ *Ibid*, Paragraph 3.

³⁹ *Ibid*, Paragraph 4.

- Religious and community leaders should also find full support in exemplary statements and actions on the part of political leaders.

Press complaints bodies, media ombudspersons or other self-regulatory bodies (which should discuss possible remedies for offences to religious convictions) should be created, where they do not yet exist⁴⁰.

Media can also contribute to empowering those persons, associations, groups, etc. within a particular religious group who advocate for mutual understanding and to give visibility to their proposals and views.

The contribution of the media (including *online* media) is fundamental. Media should on one side avoid creating the environment or nurturing those attitudes that can lead to anti-Semitic or anti-Muslim acts, as misrepresentation of religions as a source of conflict, sometimes fuelled by them, incentivates negative bias towards religious believers and their communities, including Muslims and Jews;⁴¹ on the other hand, they should also favor respect, while countering negative/hostile stereotypes concerning religions. All this while not forgetting the related sector of *advertising*. In both cases, codes of conduct should include specific provisions and a rigorous respect should be required.

10 – What type of discriminatory obstacles Jewish and Muslims experience most frequently in the field of education and employment?

Reference can be made to the answer to question number 1, and to other texts that have been quoted in this contribution.

11 – How could the society adjust to an increasing diversity? What is the society at large ready to accommodate for a better "living together"?

First of all, it is important to underline that accommodation should be a mutual, two-way process. It requires welcoming efforts by the hosting society, as well as respect of national identities and traditions.

⁴⁰ PACE Resolution 1510 (2006) on *Freedom of expression and respect for religious beliefs*, paragraph 15.

⁴¹ As Pope Francis wrote in *Evangelii Gaudium* (§ 256): “Intellectuals and serious journalists frequently descend to crude and superficial generalizations in speaking of the shortcomings of religion, and often prove incapable of realizing that not all believers – or religious leaders – are the same. Some politicians take advantage of this confusion to justify acts of discrimination. At other times, contempt is shown for writings which reflect religious convictions, overlooking the fact that religious classics can prove meaningful in every age; they have an enduring power to open new horizons, to stimulate thought, to expand the mind and the heart”.

Concrete initiatives that could contribute with regard to the issue highlighted with the present question are:

- Youth interfaith groups sharing time, activities and projects: cultural (visiting exhibitions; performing music or theatre, etc.), benevolent work (visiting elderly in community centres, migrants in detention facilities, etc.);
- Social networking teams to spread positive messages and share good practices and experiences that counterbalance an over-emphasised conflicting reality;
- Two-way process: encouraging both hosting society and hosted minorities to approach, meet, know each other better (schools, local cultural centres...), share views and experiences, and to get closer in daily life.

In this regard we would like to refer to our submission concerning the consultation launched with the *Green Paper on Migration & mobility: challenges and opportunities for EU education systems COM(2008) 423 final* where it was stressed, inter alia, that *“In the context of policies aimed at the integration of migrants, the existing local community and identity is to be protected: policies in this ambit, while fostering hospitality, should not impinge on the rights of the local community... The strive to contribute to the integration of migrants should not be instrumentalised to suppress elements of the local tradition and culture (religious and not)...”*. Removing religious symbols or other religious traditions linked with identities of the Member States are not the answer to the problem, they rather exacerbate it. The historical and cultural roots of every national community should be respected (see e.g. the Lautsi decision by the European Court of Human Rights on the presence of the Crucifix in Italian public schools)⁴².

12 – What are/could be concrete measures with the greatest impact to be taken by businesses (in public and private employment) and social partners to facilitate and encourage inclusion of ethnic and religious minorities and foster mutual understanding, and how could they be disseminated?

The mentioned actors could help to take into full account the specificity of each case, preventing a ‘one-size-fits-all’ approach and providing creative contributions, also with ad hoc solutions and best practices. It is obviously a duty and a responsibility of both these actors as well as of legislators and policy-makers to address problems in public and private employment not just for “religious minorities”, but for employees of all religious affiliations (majority as well as minority ones). In this context as well, the considerations made above on ‘reasonable accommodation’ can be recalled.

⁴² European Court of Human Rights, Grand Chamber decision in the case of *Lautsi and others v. Italy* (18 March 2011, Application no. 30814/06).

13 – Which further initiatives could Member States, EU institutions and international organisations take in order to promote common values and mutual understanding and counter stereotypes in the educational sphere (e.g. citizenship education; education about the EU history, its fundamental values and EU rights; intercultural workshops in school, training for teachers, guidelines for educators, etc.). What are already existing best practices in this respect?

In this regard, we would call for fostering the access to and use of EU funds to the fullest extent. Accessibility of and greater awareness about EU funds in the Member States should be prioritised. One only has to think of the possibilities offered on different levels and dimensions by funding instruments like ‘Europe for Citizens’, the Rights, Equality and Citizenship Programme or Erasmus+, just to quote some of them.

In the educational sector, teachers should be provided by the Member States with the instruments they necessitate to improve and keep their skills sound in dealing with increasingly multi-ethnic classes. As we stressed in the above-said consultation on migration and education: *“Training is of course a key factor in this regard and more emphasis should be put on the ‘European’ training and formation of teachers, with particular reference to the competences in intercultural mediation... Interculture is however closely linked with the involvement of the entire community and cannot be fostered exclusively among the walls of a classroom”*. Instruments of dialogue between schools and families of students belonging to religious minorities is also of great relevance.

Moreover, not only formal education, but also informal education and non-formal education, can contribute to the fight against stereotypes, prejudices and discrimination.

As for the organisation of curricula and of educational systems, the Treaties clearly, and opportunely, limit the actions that can be taken at the EU level⁴³. Decisions to introduce (or not) so-called teaching “on/about religions” should therefore be entirely left up to the Member States. The same applies to so-called education to human rights and democracy and/or to citizenship. The relevant national or regional authorities should pay attention to textbooks used in school education, that should refrain from inciting to hatred towards other religious groups or their members.

We would also like to refer to: awareness campaigns in schools to eradicate bullying or harassment of children because of their religious affiliation; spreading of information in schools about the seriousness and consequences of these behaviours; protocols to detect and face the problems.

⁴³ See in particular Article 165(1) TFEU: *“The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity”*.

Other elements that could positively impact in the area covered by this question are:

- Assuring that violence against religious minorities in Europe *“will be never justified by international developments or political issues”*⁴⁴;
- Inclusion by national and local authorities of Churches and religious communities and associations as reliable partners in their action plans, particularly when they are historically or socially rooted;
- Awareness campaigns about the seriousness of incitement to violence online, and its potential criminal nature;
- Holocaust Remembrance and Holocaust education; students visiting exhibitions showing cultural and artistic contributions by diverse religious traditions, including Jewish and Muslim ones;
- Reinforcing initiatives of joint cooperation in the academia and schools, inviting leaders of other religions. Cultural revival of great Jews and Muslim thinkers and philosophers⁴⁵, such as Avicenna or Maimonides;
- Promoting the human rights’ culture based on the Universal Declaration of Human Rights and the 1966 UN Covenants, highlighting their universality, indivisibility and interdependence.

We would like to conclude with a significant quotation by Pope Francis:

*“We have to bring up our young people to think and speak respectfully of other religions and their followers, and to avoid ridiculing or denigrating their convictions and practices”*⁴⁶.

COMECE Secretariat
Brussels, 29 May 2015

⁴⁴ OSCE Parliamentary Assembly, *Berlin resolution on Anti-Semitic violence in the OSCE-Region*, 10 July 2002: <http://bit.ly/1F1Mjle>.

⁴⁵ His Eminence Cardinal Ratzinger, in a conference during the 60 anniversary of the landing of the allied troops in Normandy: *“Without true peace between reason and faith there can’t be peace at the world level, because without peace between reason and religion, the very sources of morals and the rule of law dry out”*, as quoted by Archbishop Celestino Migliore, in his speech *Catholicism and Islam: Points of Convergence and Divergence, Encounter and Cooperation*, Notre Dame University, 15 November 2007.

⁴⁶ *Message to Muslims Throughout the World for the End of Ramadan (‘Id Al-Fitr)*, 10 July 2013, available at the link https://w2.vatican.va/content/francesco/en/messages/pont-messages/2013/documents/papa-francesco_20130710_musulmani-ramadan.html.