



“Freedom of religion with regard to religious slaughter”

Panel “Ensuring freedom of religion or belief in Europe in the next decade”

Speech of COMECE General Secretary, Fr. Manuel Barrios Prieto
Brussels, Thursday, 20 October 2022

Ladies and Gentlemen,

Dear friends,

It is an honour for COMECE to take part in this important event together with so many distinguished guests. I would like to **thank the European Commission** for this invitation, which allows me to submit some reflections on the issue of freedom of religion inside the EU. This topic is very close to **the heart of COMECE**.

Freedom of religion is mainly a matter for which **Member States are responsible**. However, the issue has become more and more present at the EU level, especially in its jurisprudence. This is shown in a striking way by the judgment on ritual slaughter of animals. We are pleased that the Commission does not shy away from such sensitive matters. We hope this can be the first in a series of initiatives to discuss cases in which freedom of religion and EU law intersect.

COMECE has been vocally advocating for many years for the promotion and protection of the fundamental right to freedom of religion **for all**. We stand ready to be side-by-side with other religious denominations when their freedom of religion is in danger.

While the question of ritual slaughter of animals **is not an issue within Christian religious practice**, COMECE does feel the responsibility to support Jewish and Muslim communities in

this regard. We are very concerned about any development that can undermine freedom of religion.

Our main messages in this specific context are **three**:

Point 1 A fundamental right belonging to *persons* and in fact to entire communities can never be placed on the same level as the welfare of *animals*. For the Catholic Church, the human person must remain at the centre of human rights policies.

Point 2 In addressing this issue, it is problematic to balance freedom of religion of believers with the position of those who oppose ritual slaughter due to their convictions. This would subject the religious communities to an erosion of their rights vis-à-vis the claims of real or perceived prevailing views within societies¹. We have witnessed with concern similar developments with circumcision and COMECE took strong initiatives in this regard².

Point 3 COMECE believes that to neglect or to put at risk one fundamental right (in this case: freedom of religion) means to endanger the entire architecture of fundamental rights, which are universal, indivisible, interdependent and interrelated.

The **Commission Work Programme for 2023** includes the reform of EU animal welfare legislation. In the light of Article 10 of the EU Charter, provisions on freedom of religion in the EU Regulation cannot be downgraded and, if possible, should be reinforced. We also expect positive developments from Strasbourg in the pending case ***Executief van de Moslims van Belgie and Others vs. Belgium***.

¹ Cf. §77 of the judgment on ritual slaughter: "...the Charter is a living instrument which must be interpreted in the light of present-day conditions and of the ideas prevailing in democratic States today... with the result that regard must be had to changes in values and ideas, both in terms of society and legislation, in the Member States. Animal welfare, as a value to which contemporary democratic societies have attached increasing importance for a number of years, may, in the light of changes in society, be taken into account to a greater extent in the context of ritual slaughter and thus help to justify the proportionality of legislation such as that at issue in the main proceedings".

² Cf. the links <https://www.comece.eu/comece-president-expresses-deep-concern-about-criminalisation-of-circumcision/> and <http://www.comece.eu/criminalisation-of-circumcision-putting-the-fundamental-rights-system-at-risk>.

It is also important to promote **religious literacy within public authorities**, including at the judiciary level. Religious illiteracy may set the stage for the misuse of religious feelings among the population. Legislating and ruling on freedom of religion require a sound awareness on religious denominations, its tenets, self-understanding and structures. This point was emphasised during a visit of the COMECE legal experts to the European Court of Justice.

The EU Court has also taken a stance on religious symbols at work, with a rather favourable view on company neutrality policies. We welcome the increased openness to religion in the recent **WABE judgment**. In a future perspective, we would like to celebrate the recognition that religion and religious beliefs are considered so intimately related to a person that they are seen as an ‘inseparable characteristic’ of every person as such³. We strongly affirm that religion cannot be considered as something that can be ‘left outside the door’⁴.

From a fundamental rights perspective, **a pro-neutrality stance is not deprived of risks**: the line between neutrality and hostility towards religion is thin. It is also important not to reduce freedom of religion to fighting religious discrimination: freedom of religion is also about practicing one’s faith, spreading it, following its precepts and has also to do with the internal organisation of religions.

Concerning **hate speech and hate crimes**, this is a grave phenomenon to be condemned without reservations and the Church is committed to contributing to effective policies. However, provisions to criminalise hate speech require attentive assessments with regard to fundamental rights, including freedom of religion: **criminal sanctions may strike at the mere expression of ideas** and at actions carried out by the Churches and religious communities who merely practice and express their beliefs.

³ This possibility was referred to in §§ 61-62 of the Advocate General Opinion in the SCRL case, although the judgment issued by the EU Court did not retain it.

⁴ Cf. § 116 of the Opinion in the Achbita case “...unlike sex, skin colour, ethnic origin, sexual orientation, age or a person’s disability, the practice of religion is not so much an unalterable fact as an aspect of an individual’s private life, and one, moreover, over which the employees concerned can choose to exert an influence. While an employee cannot ‘leave’ his sex, skin colour, ethnicity, sexual orientation, age or disability ‘at the door’ upon entering his employer’s premises, he may be expected to moderate the exercise of his religion in the workplace, be this in relation to religious practices, religiously motivated behaviour or (as in the present case) his clothing”.

On **protection of places of worship**, we appreciate the EU prioritisation of the dossier and the inclusiveness towards religions. However, we have noticed reluctance to admit the link with the full exercise of freedom of religion. COMECE stresses that protecting places of worship is important not just for security reasons or for their symbolic value, but especially in view of safeguarding freedom of religion, which is primarily exercised in such places. This element has also been highlighted by Pope Francis⁵.

We also hope that in future crisis' religion will not be neglected as it has been in the **Covid-19 context**. We noticed lack of dialogue, disproportionate measures, prioritisation of other areas of life and even the absorption of religion under larger headings e.g. culture. There was a failure to grasp the centrality of faith and its practice to millions of citizens.

Finally, it is crucial to recall that freedom of religion has a *public* aspect and an *institutional* aspect, to be protected as firmly as the private one. Any attempt **to confine religion to the private sphere goes against fundamental rights** as enshrined in both the EU Charter and the European Convention. Let us make sure freedom of religion can be a true protagonist of the next years at the EU level. Thank you for your kind attention!

Fr. Manuel Barrios Prieto
General Secretary of COMECE
20 October 2022

⁵ "I would like to stress that the protection of places of worship is a direct consequence of the defense of freedom of thought, conscience and religion, and is a duty incumbent upon the civil authorities, regardless of their political persuasion or religious affiliation" (Audience with the Diplomatic Corps accredited to the Holy See for the presentation of wishes for the New Year, 08.02.2021, <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2021/02/08/210208d.html>).