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**OSCE's Supplementary Human Dimension Meeting on
*Upholding the principles of Tolerance and non-Discrimination including
in the promotion and protection of Freedom of Religion or Belief***

1-2 April 2019 Vienna.

***Contribution by the Council of Europe
Ambassador Erwin Kubesch, CoE Vienna Office***

Everyone has the right to freedom of thought, conscience and religion, as enshrined in Article 9 of the European Convention on Human Rights (ECHR). This right applies to all personal, political, philosophical, moral and, of course, religious convictions, and is one of the foundations of a democratic society. The enjoyment of ECHR Article 9 right imposes a duty onto the CoE member states to promote and protect it in all its manifestation, including worship, teaching, practice and observance

The European Court of Human Rights (ECtHR) has covered in its case law a number of areas related to the effective implementation of such right. This has included: children's education and parents' religious convictions; obligation to disclose religious convictions; places of worship; proselytism; recognition, organisation and leadership of churches and religious communities; religious holidays, ritual slaughter of animals; and more recently the display of religious symbols and wearing of religious clothing in public spaces such as school or courtrooms.

https://www.echr.coe.int/Documents/FS_Freedom_religion_ENG.pdf
https://www.echr.coe.int/Documents/FS_Religious_Symbols_ENG.pdf

Freedom of religion and beliefs, like all the other rights contained in the ECHR, should be secured without any discrimination. Therefore it can be safely assumed that securing freedom of religion implies a duty of MS to combat racism, racial discrimination and intolerance on grounds of religion. Therefore CoE Human Rights monitoring bodies have consistently interpreted the concepts of racism, racial discrimination as covering violent crime, hate speech, discrimination and intolerance against religious groups.

In particular the European Commission against Racism and Intolerance (ECRI), which examines the situation concerning racism and intolerance in each of the 47 member states of the Council of Europe, has adopted two general policy recommendations which deal specifically with combating racism and discrimination on the grounds of religion.

These are:

[**ECRI General Policy Recommendation N°5 on Combating intolerance and discrimination against Muslims**](#) advocates the adoption of a number of specific measures for combating intolerance and discrimination directed against Muslims. In this Recommendation ECRI also expresses regret that Islam is sometimes portrayed inaccurately on the basis of hostile stereotyping, the effect of which is to make this religion seem a threat.

[**ECRI General Policy Recommendation N°9 on the fight against antisemitism**](#) is devoted to the fight against antisemitism. It sets out a comprehensive set of legal and policy measures to help Council of Europe member States fight against antisemitism, which should be systematically included in a broader policy against all forms of racism. Such measures include, inter alia, strengthening criminal law provisions, stepping up awareness-raising efforts in schools and the systematic collection of information about antisemitic offences.

Unfortunately, ECRI notes from the findings and conclusions of its country monitoring work that minority religious groups, be they Jews, Muslims, Christians or of other religious convictions, have and continue to be the targets of discrimination, hate speech or violence on the grounds of their religion.

As ECRI noted persistent problems of antisemitism and Islamophobia, many of its recommendations to Governments concern the situation of Muslim and Jewish communities. However, ECRI has interpreted the concepts of racism, racial discrimination and intolerance in Article 1 of its Statute as covering violent crime, hate speech, discrimination and intolerance against all religious groups, including of course Christians.

In Europe most of religious intolerance is related to a rise in xenophobic populism and the growing number of individuals and groups which are trying to exploit people's fears in order to foster divisions, intolerance and hatred. The media and political leaders often no longer hesitate to trivialise racism in their everyday speech, which makes it much more difficult to expose but also more dangerous because it is increasingly pernicious.

ECRI has contributed to the need to combat racist hate speech and violence by adopting its [**ECRI General Policy Recommendation N°15 on Combating Hate Speech**](#) which includes criminal sanctions, civil and administrative laws measures and urges the political, religious and cultural elites to take an active part in counter-speech and not to leave the sphere of public speech open to statements advocating intolerance. Religious leaders can make an especially important contribution in this regard because the esteem in which they are held gives their voice a considerable influence over others.

This last point allows to turn to a positive note and reiterates how much the Council of Europe values the contribution of religions and non-religious convictions towards the ability to live together peacefully in multicultural societies.

We should also recall the positive effects of initiatives establishing a real dialogue between religious communities and taking measures to debate the image the respective communities conveyed to the public. This is why religious organisations, including of course those of the majority, play a positive role in promoting a culture of "living together" based on pluralism, dialogue and mutual respect.

Lately, we have witnessed European religious leaders entering in a constructive dialogue with secular opinion leaders showing that the contribution of non-religious convictions are much valued by and enrich religions. It is not a precondition for dialogue that we share the same values and ideas; on the contrary, the more we differ, the more we need dialogue.

In the end, it has to be recalled that Judaism, Christianity and Islam have mutually influenced each other and all together have shaped Europe for centuries. This multi-religious heritage has to be preserved as a positive contribution to mutual respect, peace and stability.