



AS/Cult (2007) 09
31 March 2007

COMMITTEE ON CULTURE, SCIENCE AND EDUCATION

Colloquy on Questions related to State and Religion (Strasbourg, 27 February 2007)

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SUMMARY

OPENING SESSION

Baroness Hooper opened the colloquy, which was a working session of the Committee on Culture, Science and Education. It had been organised to help the Committee prepare reports on questions related to state and religion. She apologised for the absence of Mr Legendre, Chairman of the Committee who was on mission in Africa.

Ambassador Bellatti Ceccoli said that protecting cultural diversity was a global challenge and the Council of Europe played an essential role in the democratic management of cultural diversity. Since the Third Summit, intercultural dialogue and its religious dimension had become a political priority for the Council of Europe, which was strongly supported by the San Marino presidency of the Committee of Ministers. The White Paper on Intercultural Dialogue should present practical approaches in this respect by the end of 2007. San Marino was itself organising a conference on the religious dimension of intercultural dialogue on 23-24 April 2007 to which the Assembly would be invited. The two main themes were: the mechanisms for dialogue between the religious communities and the Council of Europe and the contributions of the religious dimension to intercultural dialogue.

Baroness Hooper hoped that a delegation from the Committee, including herself, would be able to participate in the San Marino Conference. She was pleased to welcome the next speaker, a former member of the Committee.

Ambassador Petrova-Mitevaska said that managing cultural diversity in a democratic way, for instance through intercultural dialogue, was essential for fostering security, stability and social cohesion. The drafting of the White Paper should take account of national examples through a wide consultation process and include the religious dimension of intercultural dialogue by consulting religious and other communities. In order to enhance the visibility of this process, a Patronage Committee of distinguished personalities to be set up by the Committee of Ministers was under discussion in the Rapporteurs' Group.

Mr Corneloup recalled the conference on intercultural and inter-religious dialogue organised by the Congress of Local and Regional Authorities in his town of Montchanin, France in November 2006. Local authorities in France had particular responsibilities with regard to religious buildings. Through migration, which often dated back many decades, intercultural dialogue was a necessary tool for responding to the diversity of residents in most European municipalities.

Mr Lezertua apologised for the absence of the Human Rights Commissioner, who had had to go to Chechnya. He stressed the topicality of the theme and mentioned that the European Court of Human Rights would deliver on 27 February (today) a judgment concerning relations between state and religion in Moldova. The Commissioner for Human Rights had dealt with intercultural and inter-religious dialogue since 2000 on a number of occasions. Particular questions had been addressed, such as the role of the monotheist religions vis-à-vis armed conflicts, the relation between state and religion, human rights and religion, religion and education, and finally the evolution of ethics and human rights in multicultural societies. This work had led to the following conclusions: (i) a sustainable dialogue with different religions was necessary, (ii) human rights and religions shared values such as respect, tolerance and human dignity, (iii) education was necessary for understanding each other. In concrete terms, the Commissioner had suggested creating a pedagogical institute – a proposal also included in the Assembly Recommendation on education and religion of 2005 – as well as a consultative organ of the Council of Europe for religious communities.

FIRST WORKING SESSION: THE FORMAL RELATIONS BETWEEN STATES AND RELIGIONS

Mr Cranmer described the legal establishment of religion in the four geographical jurisdictions of the United Kingdom: England with the Church of England established by law since King Henry VIII, Northern Ireland with the independent Church of Ireland, Wales with the independent Church of Wales and Scotland with the independent Church of Scotland. The latter independent Churches had no particular privileges compared to other religions. However, the Church of England had a particular position in relation to state affairs. He reviewed the main arguments in favour of the present situation and for change. The increasing religious diversification and secularisation argued against double representation of the Church of England in the House of Lords where 26 archbishops and bishops at present were full voting members. His own view was that as long as the machine was not broken there was no reason to mend it.

Mr Kucukcan presented a detailed paper about modern Turkey which, although having been founded on secularism and western values in contrast to the Islamic Ottoman Empire, sought an appropriate balance between religion and secularism. It presented a case study on such questions as whether Islam and democracy could coexist, how far religion and secularism could be reconciled, and how a Muslim majority might deal with non-Muslim minorities. Secularism, which was the foundation of the newly defined Turkish nation, was the ideology of an elite inspired by the West. In 1924, the newly created Ministry or Directorate of Religious Affairs replaced the abolished Caliphate and Islamic offices, and all education was put under state control. Two years later, the Islamic Sharia Law was replaced by a new civil code based on Swiss law. The state had no religion in Turkey and Islamic veils were prohibited in state schools and universities. Nevertheless, Islamic values were still deeply rooted in traditional patriarchal Turkish families today. Islam was not a monolithic religion in Turkey, with the majority population belonging to the Sunni interpretation of Islam. Armenian Orthodox Christians, Greek Orthodox Christians and Jews were recognised as minority communities under Turkish law, while other religious minorities did not have this status. Earlier restrictions of religious minority communities with regard to the ownership of property and education were lifted over the last decade. Since the 1990s, political parties with a more religious orientation became stronger. The revival of Islam in Turkey was caused by political, social and economic phenomena, such as migration from rural areas into cities, demographic changes, economic developments and the development of Islamic fashion. Conversion to other religions and mixed marriages were possible. New religious buildings could also be established, as was the case recently of a German church in Antalya.

Mr Leschi said that France had adopted a law on the separation of state and religion in 1905, which was in contrast to the Concordat Treaty which continued to govern Alsace and Moselle under the Treaty of Versailles after World War I. Elsewhere in France the state did not interfere with the organisation of religions. On the other hand religions were forbidden to interfere with politics. Recognised religious communities received indirect financial support by the state, for instance because donations to those communities were tax deductible, religious communities were exempted from real estate tax for religious buildings, and historic religious buildings could be repaired and maintained by local authorities.

Mrs Pegna asked about the role of non-believers in intercultural dialogue within the Council of Europe.

Mr Schneider recalled that, based on his report on Education and Religion, the Assembly had proposed to create an institute for the training of trainers in this sector. There were many religious graveyards in France.

Mr Wood said that there was a disproportionate position of the Anglican Church in the United Kingdom, in particular through the fact that Anglican Bishops sat in the House of Lords with full legislative powers. Religious schools, representing 20% of schools in England, were also financed by the state.

Mr Leschi pointed out that graveyards were non-confessional in France, unless they had been established before 1905.

Mrs Petrova-Mitevskva said that non-believers were part of society and therefore of the intercultural dialogue at the Council of Europe.

Mr Cranmer referred to the presence of Anglican Bishops in the House of Lords and said that the House of Commons might reconsider in general whether the members of the upper house of the British Parliament should be elected. Religions were not directly financed by the State.

Mr Kucukcan said that religious cemeteries existed also in Turkey.

Mrs Hurskainen referred to her report on freedom of expression and respect for religious beliefs which pointed out that non-believers should be part of intercultural dialogue.

Mr Corneloup said that migration to Europe had changed the intercultural dimension in Europe. Town-twinning was an excellent way of developing intercultural dialogue at local level.

SECOND WORKING SESSION: THE LIMITS TO STATE INTERVENTION

Baroness Hooper informed participants of a recent House of Lords debate on freedom to change religions. She recalled earlier work of Mr de Puig on the subject.

Mr de Puig said that religion, which was on the rise again, had a geo-political dimension today. Unfortunately, one could also see intolerance and fanaticism as well as ethnic conflicts and religious terrorism. On the other hand, social matters were dealt with by churches in Europe, thus being part of the welfare state in a broad sense.

Mr Baggio recalled Assembly Resolution 1510 which stated that Jews, Christians and Muslims and members of many other religions were at home in Europe, as were those without any religion. Dialogue was necessary between all these groups, which had contributed to the values, ideals and principles that formed a common European heritage. Many values had their roots in the Bible and church traditions, such as human dignity and inalienable human rights, the sovereignty of the people based on the theories of Thomas Aquinas, or the principle of subsidiarity. The principle of separation of state and religion was the recognition of the mutual autonomy of the various sectors of human life without any form of ideological or totalitarian control. However, religion could not be reduced to a private affair. Religious values and traditions played an important role in the construction of Europe. For the Catholic Church, the relation with the state was regulated in the Second Vatican Council (1962-65), which clarified that political affairs and the Church were independent and autonomous, but both were at the service of the same human beings.

Mrs Pegna recalled that the European Court of Human Rights had stated that secularism was the best guarantee for the safeguard of democracy and human rights. She wondered whether freedom of religion meant the liberty of everybody to practice freely the religion or belief they chose or the freedom for churches and their hierarchies to influence the public sphere. Like other private bodies, churches were free to express themselves publicly, but

religious leaders were not representatives of their followers. Churches could use doctrinal arguments for their own congregations, but they should not demand respect and conformity with their doctrines from other people. Therefore, it was not acceptable that the Catholic Church hierarchy had intervened on political debates in Italy and that the Vatican profited from tax exemptions for hotels, hospitals and commercial enterprises. The Vatican had signed 80 new concordats with states under the former Pope and thus received privileges. Instead of extending such privileges to other established religious communities, one should ensure effective equality between believers and non-believers.

Mrs Hurskainen referred to Assembly Resolution 1510 on freedom of expression and respect for religious beliefs. She felt that modern democratic societies should be more tolerant towards religious diversity and respect freedom of expression as a fundamental right. She accepted that freedom of expression could be limited when it took the form of hate speech against persons on grounds of their religion. But she sought answers to the question of whether the state should intervene against restrictions on freedom of expression demanded by religious communities. She asked whether religious symbols should be treated differently from other cultural symbols.

Mr Christians placed blasphemy in the context of the variety of offences existing in member states protecting religious sentiments and combating religious discrimination. He reported that 11 member states had laws against blasphemy, 25 penalised attacks on religious sentiments, 18 penalised sacrileges against religious items, 31 penalised disturbances of religious practices, and 39 had laws penalising religious discrimination and hate speech. Most of these laws stemmed from old national legal traditions, while the fight against hate speech was a more recent development. The European Court of Human Rights left in its case-law a wide margin of appreciation to national instances with regard to blasphemy laws. Such laws became problematic where they protected only certain religions. The Court recognised that hate speech against persons as well as racist revisionism could be restricted where it violated other fundamental rights. In practice, however, it would be difficult to determine where a discriminatory statement attacked a religion or a religious group. In the United Kingdom, for instance, law protected Jews as an ethnic group or race due to historic circumstances, while other religious communities were not considered as such a group. The French Court of Cassation decided on 16 February 2007 in a case concerning jokes against Jews that this humour could be restricted because it concerned a group of persons distinguished by their origin. He concluded that states should ensure that their anti-discrimination legislation was not discriminatory in itself. For religious communities, he suggested that they should also distinguish between ideas and persons, as for example in the debate about homosexual practices. Ideas could be attacked, but persons should not be subjected to discriminatory speech.

Mr. Baggio recalled that Italy had agreements with many different religions. Every individual was entitled to a conscience. Religious groups should have the right to intervene in public life.

Mr de Puig recalled past work of the Council of Europe on education for democratic citizenship.

Mr Lengagne mentioned that freedom of education and research about the creation of the universe was opposed by some religious groups on grounds of biblical interpretation, especially in the USA but also in Europe.

Mr Arnould pointed out that creationism was a problem also in Europe. There were three features about creationists: (i) a literal understanding of the Bible or the Koran, and they therefore believed, for instance, that the world was created in six days, (ii) fundamentalism

and the belief in the sources of religion, and (iii) integrism or the wish to impose their views to society at large. Besides traditional creationist movements, for instance in the USA, one could find neo-creationists today who defended the idea of Intelligent Design. They recognised scientific research, but saw its limits and thus believed in an additional dimension, which was God. He suggested that creationists should not be fought with, but rather be engaged in a dialogue.

Mr Fomenko said that one should respect science, but not believe in it. Scientific results had to be interpreted, also from a moral point of view. For instance, Darwinism must not be applied to nations as it had been done by Hitler and Stalin.

Mr. de Puig said that Darwinism had been compatible with religious beliefs.

Mr Wach said that it was a typical problem of pseudo-sciences to invent responses to questions which could otherwise not be answered by science itself.

Mr Wood said that nearly every school in the United Kingdom had received from a religious group, a package of printed material about the creation of the universe, which tried to reduce rigor and reason. One third of young Americans believed in creationism. This was ten times more than 30 years ago.

Mr Arnould said that those views about the creation of the universe should be respected, while at the same time scientists should seek to explain their scientific findings about the universe. Unfortunately teachers often lacked tools to solve problems.

Mr Lengagne pointed out the fact that politicians approved school programmes. Many politicians however lacked the scientific background needed for legislation.

Mrs Pegna said that religion was a cultural phenomenon. However, religious hierarchies did not necessarily represent the religion as such. In any case, religious views should not become state norms.

THIRD WORKING SESSION: THE CONTRIBUTION OF RELIGIONS TO GOVERNANCE

Mrs Elkouby explained that Judaism contained a lot which was commonly recognised in our modern societies: the equality of every human being, the assumption that human life was imperfect and required action by humans to make it better, liberation of the individual as a goal, the central role of the law and the necessity of interpreting texts. Therefore, Judaism had an impact on such modern values as the rule of law and human rights. In France, the separation of state and religion meant neutrality but not an anti-religious stand. States and religions should search for common values and seek integration and counteract the creation of ghettos and fragmentation of societies.

Mr Senelle said that state and religion had a common space of action in many areas, for instance the protection of human rights and the care for the poor. Fundamental freedoms developed from the concept of natural law as a law given to mankind. State and religion should both maintain their own responsibilities with regard to human society, but co-operate where possible. The achievement of common well-being was the basis for such co-operation.

Mr Philaret said that the relationship of state and church should be characterised by equality before the law. Of course, there were historic differences. In Russia, for instance, the Russian Orthodox Church had thousands of hospitals and homes for the elderly. A different number of followers caused different responsibilities of a religious community in

that region. While the state and religion should be separated, religion could not be separated from society. With regard to inter-religious dialogue, such dialogue should take place between religions, but not with the Council of Europe. On the other hand intercultural dialogue was not for religious representatives. However, religions should be able to work together with the Council of Europe in areas of common interest, such as a discussion of common values. Those values could be a common basis, a common goal or a starting point for dialogue.

Mr Youyou said that the Koran contained the notion of diversity, including diversity of cultures. In the same vein, there was no single concept of Islam, but rather diversity within the Muslim community worldwide. For a Muslim, religion was encompassing everything – society and all sectors of life. The religious texts had to be interpreted and thus be put into relation with everyday life. Therefore, a Muslim could not understand the notion of “laïcité”. For a society, it was important to increase knowledge and awareness of each other in order to build a social contract with all its components.

Mr Wood said that only a third of western Europeans believed in God and more than 80% did not regularly attend religious services. While religiosity had been on the decline for nearly a century, religious communities tried increasingly to influence governments, legislators and international organisations. Such pressure should be resisted. In the United Kingdom, 26 unelected Anglican Bishops had the right to be member of the legislature. A large number of Christian schools were funded publicly in the United Kingdom and new religious schools were planned to be opened. This was a reason for concern, because those religions could impose their views on sensitive areas of the school curricula. There was, for instance, more pressure in Britain to wear the veil than in Turkey, Tunisia or Iraq, and religious exemptions were the only ones made to animal welfare slaughter regulations in Britain. The Catholic Church had a uniquely dominant position internationally through its strict hierarchy and by virtue of its – politically illegitimate – sovereign state status, which enabled the Holy See to enter into self-serving concordats granting privileges to the Catholic Church. There was no more reason to consult religious organisations than there was to consult trade unions or even dentists.

Mr Cranmer explained that Quakers aimed at peace and good governance.

Mr Messaoudi said that if scientists became dogmatic they would be the equivalent of the religious. The reading of the Koran should not be left to the religious alone. Dialogue should be encouraged not between religions but on the basis of values. In such dialogue, to be focused on the human being, everyone should speak in his/her own name and not, as integrists pretended, “in the name of God”. There was no religion of peace.

FOURTH WORKING SESSION: RELATIONS BETWEEN RELIGIONS AND THE COUNCIL OF EUROPE

Mr Fischer said that Christianity shared many fundamental values, such as the universality of human rights and the respect for each other. Through their contacts with European institutions, churches helped in multiplying these European values. As Jacques Delors had expressed more than a decade ago, the European Union was not only about laws and economic wellbeing, but needed common cultural values. It was also important to enter into a dialogue with the Council of Europe, which required setting the objectives and the rules of procedure for such dialogue.

Mr Ter Stepanian began by welcoming the contribution the Committee was making to the religious dimension notably the debate in 2006 and the present colloquy. The importance of

intercultural dialogue had been fixed in the Third Summit and successive chairmanships of the Committee of Ministers (Portugal, Russia and now San Marino). Most specifically the idea had emerged of structured co-operation of the Council of Europe with religious communities. In the Committee of Ministers, it was felt that religions traditionally represented in Europe might have qualified contacts with the Council of Europe. Such contacts would be based on the values of democracy, human rights, the rule of law, respect and tolerance as well as mutual understanding. While there were examples of good practice in some member states, no other international organisation had so far such a structured dialogue.

Mrs Battaini-Dragoni said that religious aspects had been dealt with by the Council of Europe, for example in the field of education which comprised education about religions, education for democratic citizenship, human rights education and history education. As expressed in the current work on the White Paper on Intercultural Dialogue, such a dialogue also had a religious dimension. She recalled that education of religious facts was considered part of education for democratic citizenship and the Ministers' Deputies Rapporteur Group on Education, Culture, Sport, Youth and Environment (GR-C) was now embarking on the examination of a feasibility study for a centre of experience. She also pointed out that in encouraging acceptance of the other, intercultural dialogue could contribute to solidarity and lack of discrimination. She felt that more remained to be said on the contribution of religions to governance and citizenship at the different political, social and cultural levels. She concluded by outlining the process of consultation and preparation of the White Paper.

Mr Barnett distinguished fundamentalists from literalists in the manner in which they interpreted biblical literature. This was part of the debate on homosexuality and the churches. It was important to understand how belief followed from faith (a process complicated by the fact that early Christian Greek did not distinguish the two).

Education about religion (sensibilisation au fait religieux) was not just intercultural dialogue. It involved understanding more complex intellectual and logical processes.

Mrs Hurskainen was grateful for the many helpful interventions.

Mr de Puig thanked the participants and said that religious people and humanists should co-operate in this field. He stressed the importance of culture. Islam had presented many positive contributions to society, but it was also used for determining political and social life. There was a considerable gap between the positions expressed by Mr. Youyou and Mr Messaoudi on the one side and some darker aspects of Islam of which everybody was aware. He was in principle reluctant to religions being represented in the Council of Europe.

In closing the Colloquy **Baroness Hooper** appreciated these reminders that today's colloquy was a step in a long journey. There were many different religions but also many differences inside each religion.

LIST OF PARTICIPANTS

Parliamentarians

Mr	ALMASSY, Hungary
Mrs	BRASSEUR, Luxembourg
Mr	DEVINSKY, Slovak Republic
Mmes	DUESUND, Norway
	FERNANDEZ-CAPEL, Spain
MM.	FOMENKO, Russian Federation
Mrs	GAJDUSKOVA, Czech Republic
Mr	GIRZYNSKI, Poland
Baroness	HOOPER, Vice-Chair, United Kingdom
Mrs	HURSKAINEN, Finland
Mr	HUSEYNOV, Azerbaijan
Mrs	JIVKOVA, Bulgaria
Mr	KUCHEIDA, France
MM	LENGAGNE, France
	MAKEYENKO, Ukraine
Mrs	MELO, Portugal
Mr	NACHBAR, France
Mrs	NEMCOVA, Czech Republic
Mr	de PUIG, Spain
MM.	SCHNEIDER, France
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Other participants

Mr Jacques ARNOULD, Chargé de Mission, Centre National d'Etudes Spatiales, France
 Mr Antonio Maria BAGGIO, University Professor, Italy
 Ambassador Guido Bellatti CECCOLI, President of the Ministers' Deputies
 Professor Louis-Léon CHRISTIANS, Expert, Venice Commission,
 Mr Pierre CORNELOUP, Mayor of Montchanin, France, Member of the Congress of Local and Regional Authorities of Europe
 Mr Frank CRANMER, Senior Research Fellow, School of Public Policy, University College London, United Kingdom
 Ms Janine ELKOUBY, Jewish Consistory of the Bas-Rhin, Strasbourg
 Pastor Richard FISCHER, Conference of European Churches, France
 Mr Talip KUCUKCAN, Associate Professor of Sociology, Political, Economic and Social Research Foundation, Turkey
 Mr Didier LESCHI, Head, Central office for religions, Ministry of the Interior, France
 Mrs Vera PEGNA, Vice-President, European Humanist Federation, Italy
 Ambassador Eleonora PETROVA-MITESKA, Chair of the Committee of Ministers' Rapporteur Group on education, culture, sport, youth and environment
 Reverend Higoumen PHILARET (Bulekov), France
 Father Bernard SENELLE, Dominican Order, Strasbourg
 Ambassador Christian TER STEPANIAN, Chair of the Ad hoc reflection group on the religious dimension of intercultural dialogue, Committee of Ministers
 Mr Keith Porteus WOOD, Executive Director, National Secular Society, London, United Kingdom
 Imam Abdelhamid YOUYOU, Grand Mosque of Strasbourg

Observers

Mr James BARNETT, Intereuropean Commission on Church and School, (ICCS)
Mr Charles BOISVERT, Attaché, Affaires Européennes, Quebec Government, General Delegation
Mr Jean-Yves BRACHET, Decere, France
Mr Kassimi DRISS, General Consulate of Morocco, Brussels
Mr Aaron ELIACHEFF, Rabbinate, Strasbourg
Mr Mohamed Moez GARALI, Vice Consul, General Consulate of Tunisia, Strasbourg
Mrs Andrea HAUSER, Conference of European Churches
Mr Michel KOEHLIN, Initiatives of Change International.
Mr Rabah LARBI, General Consul of Algeria, Strasbourg
Brother Paul-Dominique MASICLAT, Decere, France
Mr Abdeljelil MESSAOUDI, Consul, General Consulate of Tunisia, Strasbourg
Reverend John MURRAY, Strasbourg
Mr Gabriel NISSIM, President, Human Rights grouping of INGOs
Msgr Vito RALLO, Holy See, Observer
Mr Bernard REBER, Director, CNRS, France
Mrs Bénédicte ROUVIER, Decere, France

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Mrs BATTAINI-DRAGONI, Coordinator for intercultural dialogue

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