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## **State, religion, secularity and human rights**

Report  
Committee on Culture, Science and Education  
Rapporteur: Mr Lluís Maria de PUIG, Spain, Socialist Group

### *Summary*

While noting that religion is an important feature of European society, where it has become a central issue of debate, the Assembly reaffirms the principle of separation of church and state as one of Europe's shared values.

In this context education is the key to combating ignorance, stereotypes and misunderstanding of religions and their leaders.

Freedom of religion is protected by the European Convention on Human Rights but it is not unlimited: religious principles which, if put into practice, would violate human rights are unacceptable.

Dozens of religious and humanist organisations are already represented in the Council of Europe by virtue of the participatory status of non-governmental organisations. The report welcomes the Committee of Ministers' proposal that "annual exchanges on the religious dimension of intercultural dialogue" be organised on an experimental basis with representatives of religions traditionally present in Europe and of civil society. It does not however support the setting up of any new structures.

## **A. Draft recommendation**

1. The Parliamentary Assembly notes that religion is an important feature of European society. This is because of the historic fact that certain religions have been present for centuries and because of their influence in Europe's history. Religions are still multiplying in our continent today, with a wide variety of churches and beliefs.
2. Organised religions as such are part and parcel of society and must be considered as institutions set up by and involving citizens who have the right to freedom of religion but also as organisations that are part of civil society, with all its potential for providing guidance on ethical and civic issues, which have a role to play in the national community, be it religious or secular.
3. The Council of Europe must recognise this state of affairs and welcome and respect religion, in all its plurality, as a form of ethical, moral and ideological expression on the part of European citizens, taking account of the differences between the religions themselves and the circumstances in the country concerned.
4. The Assembly reaffirms that one of Europe's shared values, transcending national differences, is the separation of church and state. This is a generally accepted principle that prevails in politics and institutions in democratic countries. In Recommendation 1720 (2005) on education and religion, for instance, the Assembly noted that "each person's religion, including the option of having no religion, is a strictly personal matter".
5. Over the last 20 years, religious worship has declined markedly in Europe. Fewer than one European in five attends a religious service at least once a week, whereas 20 years ago the figure was more than twice that. At the same time, we are witnessing the growing strength of the Muslim communities in virtually all the Council of Europe member states.
6. As a result of globalisation and the rapid development of new information and communication technology, some groups are particularly visible. What is undeniable, however, is that religion has, in recent years, again become a central issue of debate in our societies. Roman Catholics, members of the Orthodox Church, Evangelists and Muslims seem to be the most active here.
7. The Assembly recognises the importance of intercultural dialogue and its religious dimension and is willing to help devise a comprehensive Council of Europe strategy in this area. It considers, however, in the light of the principle of the separation of church and state, that inter-religious and interdenominational dialogue is not a matter for states or for the Council of Europe.
8. In Recommendation 1396 (1999) on religion and democracy, the Assembly stated that there was "a religious aspect to many of the problems contemporary society [faced], such as ... fundamentalist movements and terrorist acts, racism and xenophobia, and ethnic conflicts". This affirmation is as relevant as ever.
9. Governance and religion should not mix. Religion and democracy are not incompatible, however, and sometimes religions play a highly beneficial social role. By addressing the problems facing society, the civil authorities can, with the support of religions, eliminate much of what breeds religious extremism, but not everything.
10. Governments should take account of the special capacity of religious communities to foster peace, co-operation, tolerance, solidarity, intercultural dialogue and the dissemination of the values upheld by the Council of Europe.
11. Education is the key to combating ignorance, stereotypes and misunderstanding of religions and their leaders, and plays a central role in forging a democratic society.
12. Schools are an essential forum for intercultural dialogue and also lay the foundations of tolerant behaviour; they can effectively combat fanaticism by teaching children the history and philosophy of the main religions with restraint and objectivity. The media and families can also play an important part here.

13. A knowledge of religions is an integral part of knowledge of human history and civilisations. It is different from belief in, and worship of, a particular religion. Even countries where one religion prevails have a duty to teach the origins of all religions rather than proselytise.

14. Various situations coexist in Europe. In some countries, one religion still predominates. Religious representatives may play a political role, as in the case of the bishops who sit in the United Kingdom House of Lords. Some countries have banned the wearing of religious symbols in schools. The legislation of several Council of Europe member states still contains anachronisms dating from times when religion played a more important part in our societies.

15. Freedom of religion is protected by article 9 of the European Convention on Human Rights and article 18 of the Universal Declaration on Human Rights. Such freedom is not unlimited, however: a religion whose doctrine or practice ran counter to other fundamental rights would be unacceptable.

16. Nor may states allow the dissemination of religious principles which, if put into practice, would violate human rights. If doubts exist in this respect, states must require religious leaders to take an unambiguous stand in favour of the precedence of human rights, as set forth in the European Convention on Human Rights, over any religious principle.

17. Freedom of expression is one of the most important human rights, as the Assembly has repeatedly affirmed. In Recommendation 1510 (2006) on freedom of expression and respect for religious beliefs it expresses the view that "freedom of expression as protected under Article 10 of the European Convention on Human Rights should not be further restricted to meet increasing sensitivities of certain religious groups".

18. While we have an acknowledged duty to respect others, and must discourage gratuitous insults, freedom of expression cannot, needless to say, be restricted out of deference to certain dogmas or the beliefs of a particular religious community.

19. With regard to relations between the Council of Europe and religious communities, certain steps have been taken in order to promote a closer relationship.

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

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

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

22.1. ensure that religious communities may exercise the fundamental right of freedom of religion without hindrance in all Council of Europe member states with respect for the principles of the European Convention on Human Rights;

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

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

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

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

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

22.7. Consider setting up an institute to devise syllabuses, teaching methods and educational material for the study of the religious heritage of the Council of Europe member states.

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

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

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

## **B. Explanatory memorandum, by Mr Lluís Maria de Puig, rapporteur**

### **Introduction**

1. This report continues the Assembly's work relating to religious tolerance in democratic society and in particular the report I presented in 1999 on religion and democracy (Doc.8270 and Recommendation 1396). The committee organised a colloquy on questions related to state and religion (Strasbourg, 27 February 2007), and I represented the Parliamentary Assembly at the European Conference on the religious dimension of intercultural dialogue organised by the Committee of Ministers on 23 and 24 April 2007 in San Marino. I should like to thank Mr Frank Cranmer, University College, London and Centre for Law and Religion, Cardiff, for his contribution to the present paper.

### **The present situation**

2. Over the last sixty years the formal practice of religion (or, at any rate, of Christianity) has declined markedly in Europe. This is an interesting fact to note since, conversely, it would seem to have grown considerably in Africa and Latin America. The problem of definition means that statistics of church membership are notoriously unreliable; but in England, for example, it is generally agreed that in the twenty years from 1980 membership of the Church of England (the largest denomination) declined by about 25 per cent and most of the other mainstream churches suffered similar losses. At the same time, however, there appeared to be little diminution in the number of people who claimed to "believe in God" or to hold some kind of spiritual values; in the 2001 UK Census 72% identified themselves as "Christians".

3. Over the past twenty years, all practice of religion has appreciably declined in Europe. Fewer than one European in five attends a religious service at least once a week, whereas 20 years ago the figure was more than double. In only two Council of Europe member states is this percentage higher than 50%, whereas in 12 others it is below 10%.

4. With very few exceptions, the experience of secularisation has been a common theme in most European countries since 1945. What is not clear, however, is whether this trend represents a decline in participation in organised religion or a decline in belief in itself. A great deal has been written about what might be called "believing without belonging": the increasing tendency for people to seek a more personal, almost privatised religious experience rather than taking part in public worship. But in spite of the decline in formal religious practice, questions of faith are attracting increasing attention.

5. One reason for the increasing interest in the relationship between faith-communities and secular authority may – paradoxically – be the very phenomenon of secularisation itself. As the practice of religion (of whatever kind) declines, there is a tendency for societies to ask why faith-communities should be given any kind of recognition by the civil authorities at all, let alone particular legal privileges or public funding while, at the same time, faith-communities may begin to feel beleaguered or marginalised.

6. Another reason may be increased globalisation and media attention, which has massively increased the visibility of what were previously marginal groups in a way that can be disproportionate to their numbers and importance.

7. Moreover, the worsening of the Palestinian problem, 9-11 and other terrorist attacks (Madrid, Casablanca, London), the constant destabilisation of the Middle East, war in Iraq, Lebanon and Afghanistan, US political confrontations with Syria, Iran, etc., all these tragic events and many others are concomitant with the idea of crisis between the Muslim and the Christian worlds, and this has placed the religious issue front-stage again in international current events, with episodes that call to mind the intolerance and sectarianism of another age.

8. Finally, the demographic change that has resulted in a significant Islamic population in Europe for the first time since the fall of the Ottoman Empire. However much such an attitude is to be deplored, the growing strength of the Muslim community is perceived by some both as a threat and as

a symptom of a more general drift towards religious extremism. Many also suspect that there are links between some Muslim groups in Europe and extremist groups in the Middle East and beyond.

### **The previous work of the Parliamentary Assembly**

9. Managing cultural diversity in a positive, democratic way while building on its potential is essential for fostering security, stability and social cohesion; and since the Third Summit of the Heads of State and Government of the Council of Europe, intercultural dialogue and its religious dimension have become a political priority for the Council. The Assembly has a long history of engagement in this area: for example, Resolution 885 (1987) on the Jewish contribution to European culture, Resolution 916 (1989) on redundant religious buildings and Recommendation 1162 (1991) and Order No. 465 on the contribution of Islamic civilisation to European culture.

10. The Committee on Culture and Education considered the matter of religion and democracy in 1999. Its Report laid particular stress on the need for Member States to adopt a position of neutrality in matters of religion; and the resulting Recommendation 1396 adopted by the Assembly stressed the need for mutual recognition and respect between faith-communities and governments, in particular:

“4. It is not up to politicians to decide on religious matters. As for religions, they must not try to take the place of democracy or grasp political power; they must respect the definition of human rights, contained in the European Convention on Human Rights, and the rule of law.

5. Democracy and religion need not be incompatible; quite the opposite. Democracy has proved to be the best framework for freedom of conscience, the exercise of faith and religious pluralism. For its part, religion, through its moral and ethical commitment, the values it upholds, its critical approach and its cultural expression, can be a valid partner of democratic society.

6. Democratic states, whether secular or linked to a religion, must allow all religions that abide by the conditions set out in the European Convention on Human Rights to develop under the same conditions, and enable them to find an appropriate place in society.”

11. Rather than espousing the traditional United States model of strict separation between religion and the state, the Assembly sees the relationship between faith-communities and governments as, ideally, one of partnership and mutual support. Recommendation 1396(6) proceeds on the principle that no obstacles will be set in the way of any faith-community practising its religion in accordance with the law and the rights of individuals under Article 9.2 of the European Convention of Human Rights ‘to manifest one’s religion or beliefs... subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others’.

12. In April 2006 a group of Assembly members tabled a motion for a recommendation on “the need for new steps in the field of intercultural and interconfessional dialogue”. They pointed out that “outbursts of interconfessional intolerance (...) which have become more frequent recently, not only in Europe but in the world at large, demand that we make efforts to devise some overarching policy in the field of intercultural and interreligious dialogue. Ignoring the objectively existing issues in this sphere is conducive to the emergence of new “dividing lines”, which could gravely undermine the democratic foundations of the modern society”. The Assembly should “search for new non-trivial solutions aimed at the correction of the tendencies being formed. Of practical interest could be such initiatives as the establishment of an institute to draft educational programmes, methods and materials to study religious heritage in the Council of Europe member-countries, as well as the creation of representations of religious communities to the Council of Europe.”

13. The President of the Assembly has stated his interest in this issue. During his visit to the Holy See in April 2007 he said: "Globalisation has brought the various cultures and religions into close contact with one another. This proximity can be a source of enrichment, but also of friction and misunderstanding. We are convinced that intercultural and inter-religious dialogue is the only way of ensuring long-term peace and stability in Europe and the rest of the world".

14. The Assembly has consistently defended the view that in general there should not be special legislation for special groups, such as religions or sects but that such groups should abide by the general laws in the same way as any other group or person.

15. In 2006 the Assembly dealt with the issue of freedom of expression and respect for religious beliefs in the wake of the Danish cartoons controversy. In its Recommendation 1510 the Assembly states that “freedom of expression as protected under Article 10 of the European Convention on Human Rights should not be further restricted to meet increasing sensitivities of religious groups”.

### Formal relations between states and religions

#### *Separation, registration and legal recognition*

16. The relationship between Europe’s constituent states and religion is almost entirely the result of historical evolution; very rarely have any of them taken an *a priori* philosophical position as to how the church-state relationship will operate. The result is that various models exist for the formal relations between church and state; and because almost every member state of the Council of Europe has evolved differently in this respect, the results are often very complex.

17. In France, under the *Loi du 9 décembre 1905 concernant la séparation des Églises et de l’État* (Article 2 of which declares that France neither recognises nor subsidises any religion: *La République ne reconnaît, ne salarie ni ne subventionne aucun culte*) there is, in principle, strict separation between the two: *laïcité*. Moreover, *Loi n° 2004-228 du 15 mars 2004* forbids the displaying of religious symbols by students in state schools “conspicuously” (*ostensiblement*). Public buildings may not exhibit religious symbols and, likewise, cemeteries cannot be denominational.

18. In reality, however, the degree of separation is less rigid than it might appear at first blush. The state pays the salaries of hospital, prison and military chaplains (because, in those particular circumstances, the practice of religion might otherwise be difficult) and, under what remains of the former 1801 Napoleonic Concordat with the Holy See, the President of the Republic is consulted about the appointment of Roman Catholic bishops. Under the amending Law of 1908, the state assumed ownership and the future maintenance of Roman Catholic places of worship built before the 1905 *Loi de la Séparation*, with the result that a considerable part of the building maintenance costs of the Roman Catholic Church are still met from public funds. Private confessional education is also recognised under the 1959 *Loi Debré*; and schools run by religious organisations can enter into contracts with the state provided that they agree not to impose any religious test on admissions. Religious organisation also benefit from tax concessions, and the donations of individual members are tax-deductible.

19. Moreover, because Alsace-Lorraine was part of Germany in 1905, the *Loi de la séparation* has never been applied in the *départements* of Haut-Rhin, Bas-Rhin and Moselle. Four *cultes reconnus* have official status: the Lutheran and Reformed Churches, the Roman Catholic Church and the Jewish community. Clergy whose offices are recognised by the Concordat are paid by the state, authorised representatives of the four *cultes* provide religious instruction in schools, and the *départements* are permitted to provide support for the building and maintenance of places of worship. Adherents of the four *cultes* may choose to have the central government allocate a portion of their income tax to their religious organisation.

20. Many states have formal arrangements for the legal recognition of religious groups. In Austria, for example, religious organisations registered under the 1874 Law on Recognition of Churches have the status of public corporations, which enables them to engage in a number of public or quasi-public activities – such as providing religious instruction in state schools – that are denied to unregistered confessional communities.

21. The range of organisations so recognised can vary widely. Some countries have very liberal rules for registration. In Hungary, for example, in order to become registered a religious group must have at least 100 adherents and produce a basic organisational memorandum. Religious groups are free to practice their faith whether registered or not; but formal registration gives access to several forms of state funding. In Moldova, on the other hand, there have been two recent cases (*True Orthodox Church in Moldova and Others v Moldova* [2007] ECtHR 27 February 2007 (952/03) and

*Metropolitan Church of Bessarabia and Others v Moldova* [2001] ECtHR (45701/99)) in which the European Court of Human Rights has held that the failure of the Government to register the two Churches has been in breach of their Convention rights.

#### *The church tax*

22. Perhaps most important, in several states – Austria, Denmark, Iceland, Finland, Germany, Norway, and parts of Switzerland, the federal or regional government operates a “church tax” (*Kirchensteuer* or *Impôt d’Eglise*). Under this arrangement, a small part of income tax is paid to some or all of the churches in proportion to their numbers of adherents; so, for example, in the Canton of Berne the Reformed Church, the Roman Catholic Church and *l’Eglise catholique chrétienne* of the Union of Utrecht are recognised by Article 121 of the Constitution as the national churches of the Canton (*les Eglises nationales*) and benefit from the tax. Practice varies as to whether the church tax is compulsory for all or levied only on adherents. In Germany only adherents pay the tax – though church members who wish to opt out have to go through a formal legal process of leaving their church: *Kirchenaustritt*. In Iceland, on the other hand, though Article 64 of the Constitution allows individuals to direct their church tax payments to their own religious groups, those who are not a members of any religious association are still obliged to pay an equivalent sum to the University of Iceland instead.

#### *State recognition and “establishment”*

23. States also vary according to the degree to which they give particular recognition to individual faith-communities.

24. Traditionally, in Scandinavia the Evangelical-Lutheran faith has been the religion of the state and has been supported and protected by it. In Denmark, Norway, and Iceland this is still the case: for example, Part I s 4 of the Constitution of Denmark declares that “the Evangelical Lutheran Church shall be the Established Church of Denmark, and, as such, it shall be supported by the State”. Moreover, the Church of Denmark does not have a system of synodical self-government independent of the state; instead, the Minister of Ecclesiastical Affairs is its supreme administrative authority and its canons and regulations are promulgated by the Danish Parliament and are part of public law. In Finland, both the Evangelical-Lutheran Church and the small autonomous Orthodox Church have a special status in law; and citizens belonging to either of the two Churches pay the church tax as part of their income tax. Until 31 December 1999, the Evangelical Lutheran Church was also the established religion in Sweden and the Monarch was obliged to profess the Evangelical-Lutheran faith (as is still the case in Norway); as a result of a series of constitutional changes, however, the Church of Sweden is now on the same footing as other religious communities, with its own legal personality independent from the state.

25. In the United Kingdom, the Monarch is also “Supreme Governor” of the Church of England and, under the Act of Settlement 1700/01 is required to ‘join in communion with the Church of England as by law established’ and may not be a Roman Catholic. Bishops and cathedral deans are appointed by the Crown; and the Archbishops of Canterbury and York and twenty-four of the other diocesan bishops sit *ex officio* as full voting members in the upper House of Parliament – the House of Lords. However, the position varies in the other three jurisdictions: the (Reformed) Church of Scotland is the national Church in Scotland, but its independence in spiritual matters is guaranteed under the terms of the Church of Scotland Act 1921. The Anglican Churches in Ireland and Wales were once established churches in a similar manner to the Church of England but are no longer so.

26. The unique constitutional position of the Church of England has become a matter of some controversy. In support of the present situation, it is argued that the Church is legally obliged to provide a ministry to every part of England – which means that people who do not belong to any religious organisation can call on its services in a time of need, and that religion is given formal recognition in national life. However, the religious demography of England has changed: there are now, for example, about 1.5 million Muslims and (largely as a result of immigration from the new Member States of the European Union) a growing Roman Catholic community while, at the same time society generally is becoming more secularised. Many believe that the bar on a Roman Catholic Monarch under the Act of Settlement is discriminatory and that the presence of bishops in the House of Lords “undemocratic”. Moreover, there are many members of the Church of England itself who

would like to be free of the obligation to minister to everyone, irrespective of their beliefs, and many outside the Church who, like the National Secular Society, believe that it is simply wrong in principle to give any special legal recognition to any form of religion. Given that the United Kingdom does not have a written Constitution, it is impossible to predict how the establishment debate will develop; but if the House of Lords becomes a fully-elected House rather than an appointed one, there will no longer be any place in it for bishops, and that would seriously weaken the argument for the Crown (ie the Government) having any hand in their appointment.

27. Belgium provides an example of state recognition of religion that is fairly low-key but that, nevertheless, gives considerable state aids to religious communities. The Constitution guarantees freedom of public worship (Article 19) and non-interference in the appointment of clergy of any denomination (Article 21). However, the Government recognises and finances certain religious groups and 'life stances': Anglicans, Jews, Orthodox, Muslims, Protestants and Roman Catholics; and since 5 May 1993 non-confessional organisations have been recognised on an equal footing with the others. Article 181 of the Constitution provides for public funding of the salaries and pensions of representatives of those organisations that are recognised by law, including those that offer moral services based on a non-confessional ideology – with the result that, for example, all ten Anglican clergy licensed in Belgium receive a *traitement* from public funds.

#### *Concordats with the Holy See*

28. The position of the Roman Catholic Church in international law is unusual in that the Pope, as well as being Supreme Pontiff of the Church, is also Head of State of the Vatican. The Holy See is a subject of international law, and in international law and practice is placed on the same footing as states since it has every appearance of conforming to the fundamental principles and the customary rules of the international order and since it manifests itself in the activities that are appropriate to each member of the international community, viz. conclusion of bilateral and multilateral treaties, diplomatic relations (with 175 states at present), involvement in intergovernmental organisations (currently in 27 organisations of an international, regional or group type), and participation in international conferences and mediation or arbitration activities. In the case of the UN, the permanent observer status secured to the Holy See since 1962 was definitively formalised and codified in 2004 by the General Assembly. Various European states, for historical reasons and by democratic volition, have concluded bilateral agreements with the Holy See, normally termed Concordats, to regulate relations between the Roman Catholic Church and the state. In the country concerned, these Concordats vest the Church with a special function of greater or lesser importance, as illustrated by the following examples.

29. The current Concordat between the Holy See and Austria was originally concluded in 1934, ended by the *Anchluss* in 1938, and finally recognised by the Federal Government in 1957. Under the Concordat, the Church may operate under its own canon law; and those institutions that have legal personality under canon law have a similar status in public law. The concordat also deals with provincial and diocesan boundaries (which must be agreed with the Federal Government), theological faculties, religious orders, church property and pastoral care within state institutions.

30. Prior to the adoption of the 1947 Constitution, Italy's relations with the Roman Catholic Church were governed by the 1929 Lateran Concordat establishing Roman Catholicism as the state religion. A 1984 revision of the Concordat, the Accord of Villa Madama, formalises the principle of a secular state but maintains the practice of state support for religion, including payment for teachers appointed by the Church to give religious instruction in state schools. However, it also provides state support for other denominations that request it; and the Government, with parliamentary approval, may conclude accords with individual denominations, whose ministers then gain access to state hospitals, prisons and military barracks, and who may then register religious marriages.

31. Portugal concluded a new Concordat with the Vatican in May 2004 which abrogated the previous Concordat of 1940 and recognised the legal personality of the Portuguese Episcopal Conference. The Religious Freedom Act which came into force at the end of 2003 created a legislative framework for other religious groups established in the country for at least thirty years and for those recognised internationally for at least sixty years. The Act also grants to other denominations many of the rights that were previously enjoyed only by the Roman Catholic Church; in addition, each religious group may conclude its own individual 'Concordat' with the Government. In February 2007,

despite open opposition from the Catholic Church, the Portuguese at referendum came out in favour of a law permitting abortion.

32. In Spain, the position of the Roman Catholic Church is also regulated by Concordat; otherwise, the Religious Freedom Act 1980 reiterates the secular nature of the state and implements the constitutional provision for freedom of religion by establishing a legal regime and certain privileges for religious organisations. In order to acquire legal personality a faith-community must register with the Ministry of Justice, submitting evidence its foundation or establishment in Spain, a declaration of religious purpose, and its rules.

33. Although they have concluded Concordats with the Holy See, Austria, Italy, Portugal and Spain all regulate the practice of religion in a way that it is essentially neutral as between faith-communities. Conversely however, it is possible for a state to frame its laws, in whole or in part, on the basis of Roman Catholic moral theology in the absence of any formal treaty with the Vatican.

34. In Malta, for example, though there is no overarching Concordat with the Holy See, the legal situation reflects the fact that the overwhelming majority of the population is Roman Catholic. Section 2 of the Constitution (a 1974 amendment of the original Independence Constitution of 1964 inserted as a result of a compromise between the Labour Government and the Nationalist Opposition) establishes Roman Catholicism as the state religion:

- “(1) The religion of Malta is the Roman Catholic Apostolic Religion.
- (2) The authorities of the Roman Catholic Apostolic Church have the duty and the right to teach which principles are right and which are wrong.
- (3) Religious teaching of the Roman Catholic Apostolic Faith shall be provided in all State schools as part of compulsory education. “

35. Malta currently makes no provision for civil divorce; and the previously-recognised exclusive jurisdiction of ecclesiastical tribunals over Roman Catholic marriages that had been set aside by the Marriage Act 1975 was restored by the Marriage Law Amendment Act 1995.

36. Similarly, in Ireland (which otherwise adopts a determinedly “separationist” attitude to church-state relations) under Article 40.3.3° of the Constitution the state “acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right”. Controversy over advertising by British abortion clinics in the Irish press led in 1992 to the addition to Article 40.3.3° of *provisos* (the legality of which were upheld by the Supreme Court in 1995) that the subsection should not limit the freedom “to travel between the State and another state” or “to obtain or make available, in the State, subject to such conditions as may be laid down by law, information relating to services lawfully available in another state”.

#### *Orthodoxy*

37. Under Article 3(1) of the Constitution of Greece, “the prevailing religion in Greece is that of the Eastern Orthodox Church of Christ”. Orthodoxy is therefore the official religion; and though there is no church-tax, the Government pays for the salaries, pensions and religious training of clergy, finances the maintenance of church buildings and gives special recognition to Orthodox canon law. Though Article 13(2) of the Constitution provides for freedom of religion, it also stipulates that worship must not disturb public order or offend moral principles and prohibits proselytising – a prohibition that was the subject of an adverse judgment by the European Court of Human Rights in *Kokkinakis v Greece* [1994] 17 ECHR 397. The Jews and the Muslims are the only other faith-communities in Greece that have legal personality in public law: other religions have legal personality only in private law and must create specific public-law entities to hold property on their behalf. However, property-tax exemptions for religious organisations apply equally to Orthodox and non-Orthodox.

38. Under the Treaty of Lausanne of 1923, special provision is made for the Muslim minority of Western Thrace. The territory is divided into three districts, at the head of which are three *muftis* appointed by the Minister of National Education and Cults who have jurisdiction over their communities in matters of family law and inheritance as well as in religious matters.

39. Russia, the country with the largest Orthodox population, is religiously much more diverse than Greece. Though about 70 per cent of its inhabitants are Orthodox, Russia also contains many different religious minorities: at the end of 2005 more than 22,000 religious organisations had been registered with the Ministry of Justice. Much the largest religious minority is the Muslim community, which constitutes about 14 per cent of the population. Moscow, St. Petersburg and parts of Siberia have significant Muslim communities but the majority of live in the Volga-Urals region and the North Caucasus. There are also probably as many as 2 million Protestants and 1 million Jews.

40. Article 28 of the Russian Constitution guarantees “the freedom of conscience, the freedom of religion, including the right to profess individually or together with other any religion or to profess no religion at all, to freely choose, possess and disseminate religious and other views and act according to them”. The 1997 Law on Freedom of Conscience and Associations certainly does not recognise a “state religion”, and its preamble recognises Christianity, Islam, Buddhism, Judaism, and other religions as part of Russia’s heritage – but it makes particular mention of the “special contribution of Orthodoxy to the history of Russia and to the establishment and development of Russia’s spirituality and culture”.

#### *Islam*

41. Several member-states of the Council of Europe have Muslim majorities: Albania, Azerbaijan, Bosnia, and Turkey.

42. After the death of Enver Hoxha in 1985, Albania began to emerge from decades of the most rigid secularist rule. Citizens of Muslim background are the largest traditional religious group, at about 65 to 70 per cent of the population. Possibly 20 per cent of the population belong to communities that are traditionally Albanian Orthodox and 10 percent to Roman Catholic communities. The 1998 Constitution provides for freedom of religion and equality between religions; so, for example, official holidays include religious holy days of all the predominant faiths and Roman Catholic and Muslim groups operate several state-licensed schools. Religious movements may acquire the official status of a juridical person by registering under the Law on Non-profit Organisations; however, registration is not obligatory.

43. The situation in the Serbian province of Kosovo – which has a predominantly ethnic-Albanian Muslim population – remains a matter of concern; and there continues to be inter-ethnic tension between the majority and the small Serb population. Although under the terms of UN Security Council Resolution 1244 the province remains, technically, part of Serbia, since 1999 it has been governed by the United Nations Interim Administration Mission in Kosovo (UNMIK).

44. The population of Azerbaijan is overwhelmingly Muslim: about two-thirds Shi’a and one-third Sunni. The other traditional religious groups of significance are the small Russian Orthodox and Jewish communities; there are also long-established congregations of Evangelical Lutherans, Roman Catholics, Baptists, Old Believers, Seventh-day Adventists, and Baha’is. More recently, a number of new religious groups have been established, including Wahhabi Muslims, Pentecostal and Evangelical Christians, Jehovah’s Witnesses and followers of the Hare Krishna movement. The Constitution is essentially secularist: Article 18 declares that ‘Religion shall be separated from the State... All religions shall be equal by law. The spread and propaganda of religions which humiliate human dignity and contradict the principles of humanity shall be banned. The State education system shall be of secular character’.

45. Chapter II of the 1992 Law on Freedom of Religious Belief, as amended, requires members of religious associations to adopt and register charters setting out their organisational structure, assets and property settlements. Under Article 5, political parties may not engage in religious activity and religious leaders may not hold public office. Chapter II Article 8 subordinates all Islamic religious communities to the Caucasian Muslim Board in organisational matters. In 2004 the Juma mosque refused to register with the Board, claiming that Azerbaijan’s religious freedom laws did not require registration; in what became something of a *cause célèbre*, its imam was given a five-year suspended prison sentence for allegedly preaching radicalism. The State Committee for Work with Religious Associations is responsible for registering religious groups. According to the *International Religious Freedom Report 2006* of the Bureau of Democracy, Human Rights, and Labor of the US State Department, in 2005–2006, 27 religious groups were registered and six were rejected – of which five

were non-Muslim; on the other hand one Baptist church was registered whose application had been previously refused.

46. In spite of the fact that its population is overwhelmingly Muslim, since the establishment of the modern Turkish state by Kemal Atatürk and İsmet İnönü and the ratification of the Constitution of 1921, Turkey has been staunchly secular. The rights of non-Muslim minorities were guaranteed by the Treaty of Lausanne in 1923; and in 1926 the previous *shari'a* law was replaced by a new civil code modelled on that of Switzerland. Under the Lausanne Treaty, Armenian and Greek Orthodox Christians and Jews have a special legal minority community status. Members of other minority religious groups do not have a similar status; but Article 39 of the Treaty in any case guarantees equality among Turkish citizens regardless of their religious convictions: "Turkish nationals belonging to non-Moslem minorities will enjoy the same civil and political rights as Moslems. All the inhabitants of Turkey, without distinction of religion, shall be equal before the law."

47. Article 2 of the present Constitution defines the Republic as "a democratic, secular and social State governed by the rule of law"; and Professor Talip Kucukcan suggests that "modern Turkey continues to struggle with finding an appropriate balance between religion and secularism in a nation that is almost entirely Muslim". He regards the general elections of December 1995 as a turning-point in Turkey's modern political history; the victory by the Welfare Party [*Refah Partisi*] gave a majority to an Islamist party for the first time since the foundation of the Turkish Republic. However, in January 1998 the Constitutional Court ordered the Welfare Party to close on the grounds that it was "a centre of activities against the principle of secularism"; the ban was subsequently upheld by the Grand Chamber of the European Court of Human Rights: *Refah Partisi (The Welfare Party) and Others v Turkey* [2003] (*Applications nos. 41340/98, 41342/98, 41343/98 and 41344/98*). Similarly, in *Affaire Fazilet Partisi et Kutan c Turquie* [2006] (*Requête n° 1444/02*), an appeal against closure by the Welfare Party's successor, the Virtue Party [*Fazilet Partisi*] was struck out by the Third Section. The policy has also been invoked against the wearing of religious dress in public institutions; in the case of *Leyla Şahin v Turkey* [2005] (*Application no. 44774/98*), the Grand Chamber ruled that the refusal by the University of Istanbul to allow the applicant to wear an Islamic headscarf to classes did not breach her rights under the Convention.

48. The Turkish people's attachment to secularity was exemplified recently by the apparently spontaneous manifestations which occurred in Ankara, Istanbul and Izmir where millions of people expressed their anxiety over the proposal by the government of a President of the Republic with an Islamic party background. However, even though secularism is desirable, it ought not to be achieved to the detriment of democracy.

49. In this respect, it should be mentioned that certain instances of discrimination against religious minorities in Turkey have been the subject of repeated interventions by the European Commission which stresses that it is not enough to have more or less adequate legislation in the matter; it must be put into practice. The European Parliament also asked inter alia, in a Resolution on Turkey's progress towards accession to the European Union (27 September 2006), for the removal of all existing restrictions faced by religious minorities as regards legal personality, the training of clergy, work permits and schools, and even that the issues of confiscated properties and possible institution of proceedings to claim damages from the State for its failure to enforce court rulings be properly addressed. Finally, it invites the Turkish authorities to grant all minorities and communities complete freedom of religion.

50. Unlike Albania, Azerbaijan, and Turkey, Bosnia-Herzegovina is a deeply-divided society, both in terms of religion and of ethnicity. The State comprises two entities: the Federation of Bosnia and Herzegovina and Republika Srpska. According to the *CIA World Factbook* for 2006, 50 per cent of the population is Muslim, 27 per cent Orthodox and 15 per cent Roman Catholic – a pattern that correlates strongly with the ethnic divisions between Bosniaks, Serbs and Croats – and, as a result of ethnic cleansing and subsequent internal migration during the 1992–1995 war, the majority of Serb Orthodox adherents living in Republika Srpska and the majority of Muslims and Catholics in the Federation. The constitutional structure created by the Dayton Agreement which ended the Bosnian conflict in 1995 apportions parliamentary seats and most government positions specifically to members of the three "constituent peoples". This can result in constitutional discrimination against "others" – such as the small Jewish community – and sympathisers of those faiths that do not fit with the three main groups.

51. The State Constitution of Bosnia-Herzegovina and the “entity” constitutions of the Federation of Bosnia and Herzegovina and Republika Srpska guarantee freedom of religion; and the state-level Law on Religious Freedom 2004 also provides comprehensive rights to religious communities. Nevertheless, adherents of minority religions in largely ethnically-homogenous areas have sometimes had their right to follow their religion restricted by the majority – sometimes with violence. In its *International Religious Freedom Report 2006* the Bureau of Democracy, Human Rights, and Labor of the US State Department reports that all three religious communities reported “a significant number of attacks on religious objects”. Religious and ethnic intolerance were virtually indistinguishable because of the identification of ethnicity with religious background. Moreover, in spite of the constitutional and legal provisions protecting religious freedom,

“... discrimination against religious minorities occurred in virtually all parts of the country. In some communities, local religious leaders and politicians contributed to intolerance and an increase in nationalist feeling through public statements and on occasion in sermons. Religious symbols were often misused for political purposes.”

52. Finally, there is also a continuing problem with regard to the restitution of religious property.

53. Besides the concerns stated regarding Bosnia-Herzegovina, we should include anxiety over discrimination undergone by believers in certain countries where there is emerging religious intolerance towards Christians as well as Islamophobia and anti-Semitism, attitudes embodying elements of a political and ethnic but also religious nature.

54. As well as countries with a Muslim majority, an increasing number of states within the Council of Europe have a significant Muslim presence. Muslims arrived in France and the United Kingdom initially as immigrants, but both now have growing numbers of native-born Muslims. It is impossible to obtain reliable figures for the size of the Islamic communities in either country. The 2001 Census returns suggest that the Muslim community in the United Kingdom is about 1.6 million strong, or 2.7 per cent of the total population. Because the recording of religious affiliation in the French Census is prohibited, the figures for the size of the Muslim community in France are even more impressionistic than for the United Kingdom; but the Ministry of Foreign Affairs estimates it at between 3.7 and 5.5 million, or 5 to 9 per cent of the total population. Germany also has an important Muslim presence. The Ministry of Foreign Affairs estimates Germany’s Muslim population at about three million; many of them are Turkish migrant workers (*Gastarbeiter*) but, increasingly, many of them are the native-born children of immigrants.

55. The rise in the indigenous Muslim population in France and the United Kingdom has been marked by social tensions and some have looked for a religious dimension in recent disturbances in both countries: in England (specifically) in the spring and early summer of 2001 and in France in the autumn of 2005. However, researchers and social commentators have been more inclined to attribute disturbances to other factors, stressing that the root cause was poverty coupled with poor or non-existent employment opportunities for young people, and that many young Muslims simply felt that they had no real stake in society.

56. In a speech at the Muslim Cultural Heritage Centre in London on 5 April 2007 Ruth Kelly, Secretary of State for Communities and Local Government, dedicated the United Kingdom Government to increased efforts in the fight against Islamophobia and anti-Semitism and, at the same time, denounced violent extremism preached by a tiny minority in the name of Islam. She argued that religious extremism could be defeated only by a multi-track approach: making sure that adequate legislation was in place to ensure that terrorists were brought to justice, promoting shared values about justice, peace and respect for fellow-citizens from all faith-communities, and supporting the role of faith institutions and their leaders.

57. There is no completely reliable estimate of the Islamic population in Russia. According to different sources, between 14 and 23 million Russians are Muslims; even at the lower estimate it would still be some ten per cent of the total population. Unlike the Muslim minorities of Western Europe, many Russian Muslims are the descendants of the indigenous populations of territories that gradually came to be included in what is now Russia – although their numbers have been swelled by newly-arrived immigrants from the former Soviet republics of Central Asia. Relations between the

majority population and the Muslim minority have been clouded by separatism in Chechnya, which is predominantly Muslim and which many ethnic Russians see as influenced by the ideas of radical Islamist organisations such as al Qaeda.

58. The other religions and religious communities present in Europe, such as Judaism, Buddhism, Sikhism and many more are not the subject of a special reference in this chapter since they do not raise specific issues (it would be interesting to enquire why this is so).

### **Religious diversity, the limits on intervention by the State and the limits of religious freedom**

59. The modern plurality of religions – a result, partially but not wholly, of post-colonial immigration into Europe – poses problems both for governments and for faith-communities. For a few governments in countries with a long tradition of secularism, the major problem has been to accept the phenomenon of the rise of religious practice *as such*. Many more have found difficulty in adjusting to a situation where there is now a plurality of religions when, previously, the State was overtly confessional or the vast majority of citizens adhered to a single religious profession. Finally, some aspects of the more rigorous forms of Islam – such as wearing the *niqab* veil – seem to present some governments with particular problems. For the faith-communities themselves there can be problems in combining life and work in a secular society with the distinctive requirements of their religions – for example, dietary laws and prescribed times for prayer – and conflicts may sometimes arise.

60. Certain special cases will be dealt with in separate reports:

- *Blasphemy, religious insults and hate speech against persons on grounds of their religion* (Rapporteur, Mrs Hurskainen);
- *European Muslim communities confronted with extremism* (report by the Political Affairs Committee, Rapporteur for opinion, Mrs Damanaki); and
- *The dangers of creationism in education* (Rapporteur, Mr Lengagne).

61. Other matters of current concern include the equality of the sexes and the rights of homosexuals.

62. In circumstances where religious practice appears to conflict with human rights or the public interest, the first duty of governments is to respect the democratically expressed will of its citizens. The previous Report of the Committee on Culture and Education on Religion and Democracy that we referred to earlier set out, in effect, a series of principles that should guide future developments in relations between religion and the state:

- Religion and the State are not incompatible within the democratic system;
- Freedom of religion is not an unlimited freedom to justify any act whatsoever in the name of religion; the free exercise of religion must be based on proportionality;
- Religious freedom suggests that faith-communities must, *through their own actions*, determine their position in the wider society of which they are a part;
- Governments must respect human rights in relation to religious practices and ideas;
- Members of faith-communities must respect democracy and the laws of the countries of which they are citizens;
- Governments must acknowledge the position of faith-communities and give them assistance corresponding to their importance;
- Because religion and faith-communities are part of society at large, it is in the public interest to ensure their cultural and intellectual well-being as citizens of the wider community;
- Governments should not involve themselves in the day-to-day activities of religious groups and should observe neutrality and non-discrimination in their dealings with faith-communities.

63. According to this report, it followed from these principles that the role of the State in relation to religion was twofold: to promote and protect those activities that helped build cohesion and stability in society, and to forbid anything that contradicted those values of humanism that are the basis of the legal and social structure of democracy. Therefore, the State could not allow violations of human dignity and of human rights in the name of a faith; faith-communities were obliged to observe the

principles of democracy and the rule of law; and infringements of public order or the democratic rights of fellow-citizens could not be allowed to go unchecked. Equally, however, because religion was an important part of human culture and tradition, society ought to make it as easy as possible for citizens to exercise their religions, should facilitate worship and should promote the cultural expression of religion.

### **The contribution of religions to governance**

64. Representatives of the religious communities present at the Colloquium on Questions related to State and Religion held in Strasbourg on 27 February 2007 were unanimous in their belief that dialogue was necessary between the religious groups that had contributed to the values, ideals and principles that formed our common European heritage. However, though the Roman Catholic, Orthodox and Jewish representatives saw the separation of religion from the State as the recognition of the mutual autonomy of the various sectors of human life, they also believed that religion could not be separated from the society of which it was a part. The Muslim representative went further: though there was no single overarching concept of Islam, its practice encompassed the whole of life – with the result that *laïcité* was not a notion that made sense for a Muslim.

65. Representatives of the secular humanist perspective, however, pointed out that there was a danger that “religious freedom”, instead of being interpreted as the liberty for every individual freely to practice his or her religion or belief, could easily become a freedom for unelected religious hierarchies to influence the public sphere; and in that connexion Mr Wood, of the UK National Secular Society, drew attention to the continued *ex officio* presence of Anglican bishops in the upper house of the United Kingdom Parliament. Mrs Pegna, Vice-President of the European Humanist Federation, contended that there was always a danger that formal representation of religion within the public sphere could become a threat to *laïcité*. She welcomed the Resolution of OSCE inviting member states, *inter alia*, to “ensure the effective equality between believers and non-believers” and to “foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers”.

66. This danger of a drift beyond the perfectly proper interest of faith-communities as *citizens* in the activities of their governments, in accordance with democratic principles, towards religious interference in what should be purely secular matters is a danger that should be resisted. However, we should not ignore the historical contributions of religions to the evolution of human thought and to progress. Religions have contributed as much to the creation of a *humanist* morality as to a religious one; and, in Europe, secular codes of social conduct and secular moral attitudes owe much to the Judaeo-Christian tradition.

67. Government should therefore recognise that the faith-communities can play an important part in fostering peace, tolerance, comprehensiveness, fraternity, solidarity, intercultural dialogue and all those virtues proclaimed as imperatives of faith that underlie religious discourse – even though, historically, some of the things that have been done in the name of religion were not good examples of any of these.

68. The State is not concerned with faith or beliefs, except to ensure that religious expressions are in accordance with the law; on the other hand it must protect the rights of believers as citizens and the rights of religious organisations as important elements of civil society. Moreover, in no circumstances can the rights of others or the collective rights of communities be limited in the name of a particular belief-system; and if there is ever a conflict between human rights and the dictates of faith, the State must always defend human rights.

69. This last is not always the easy option, as the United Kingdom Government recently found when it had to choose between asserting the right of same-sex couples to equal treatment in respect of adoption services and the moral objections of Roman Catholic agencies to placing children for adoption by such couples and, in the event, decided that the claims of equal treatment had to take precedence over religious objections based on moral theology. Another example is the homophobic attitude of the present Polish Government.

70. However, though there will always be difficult cases, “faith” and “human rights” should not be regarded as incompatible in principle, nor need they inevitably be opposed in practice. It is the promotion of shared values between faith-groups and the wider community that is the key.

### **Relations between the religions and the Council of Europe**

71. Through the Holy See, which has observer status with the Committee of Ministers, the Catholic Church has been represented in the Council of Europe since 10 November 1970. This representation follows from the Vatican’s statehood. Today it occupies the same position as Canada, Japan, Mexico and the United States, and like all observer states may attend the meetings of the Committee of Ministers Deputies.

72. The Holy See is also signatory to the European Cultural Convention, the amended European Convention for the Protection of the Archaeological Heritage, the European Convention on the Academic Recognition of University Qualifications, the European Convention on Transfrontier Television, the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (Council of Europe - Unesco), and the Protocol amending the European Convention on Transfrontier Television. Moreover, it is a member of the Council of Europe Development Bank and of various Partial Agreements adopted in the framework of the Council of Europe.

73. The European Convention held out against manifold pressure to include a reference to religion in the preamble to the draft European Constitution in 2005, as did the Commission in 2007 with the Berlin Declaration marking the fiftieth anniversary of the European Union. Despite history’s irrefutable lesson that the intellectual and civilising origins of Europe bear the imprint of Christianity, one cannot deny traces of Jewish monotheism as well as a significant Muslim influence that comes down from the Middle Ages, as the Assembly pointed out in its reports on the Jewish contribution to European culture (Doc. 5778) and the contribution of the Islamic civilisation to European culture (Doc. 6497). That is possibly the reason for avoiding reference to any one religion. The motive for avoiding reference to any religion whatsoever is the principle of separation between religion and state.

74. Religions as such are not represented in any international intergovernmental organisation and it does not seem expedient to alter this state of affairs. The Holy See’s observer status with the Committee of Ministers ought not to be regarded as discriminating against the other religions, since it is the State of the Vatican City, and not the Catholic religion, which enjoys this status.

75. Notwithstanding the foregoing, the Council of Europe and the Assembly may have exchanges of views with religious leaders, as some of its committees have often done. The Committee of Ministers proposes to hold on an experimental basis “annual exchanges on the religious dimension of intercultural dialogue” with representatives of the religions traditionally present in Europe and civil society. The Assembly should welcome this provided that the participants accept the values of the Council of Europe.

76. Assembly members, in particular the President, are invited to and regularly attend meetings organised by the various religions. This is another channel of communication between the religions and the Council of Europe.

77. Religious leaders have addressed the Assembly on several occasions. Paradoxically, despite the importance attached to dialogue, none of these dignitaries has agreed to answer the parliamentarians’ questions. In future, it would be desirable if every personality invited to address the Assembly consented to answer questions from the floor.

## Conclusions

- The Assembly should seize this opportunity to reaffirm the principles of separation between church and state and of the supremacy of human rights, democracy and rule of law over any religious tenet.
- The Assembly should also encourage evolution of our state structures and amendment of outmoded legislation on religion.
- Religions too should evolve in the light of scientific and social change, having regard to the new civic rights and values.
- The free exercise of all religions should be strictly compatible with democracy and human rights.
- There can be no opposition or incompatibility between religion, democracy and human rights.
- The Council of Europe should encourage and assist intercultural dialogue and take account of the religious dimension as a cultural and social reality in Europe. It has no say in matters of interreligious dialogue.

## **Appendix**

### **List of INGOs interested in the religious dimension of intercultural dialogue and enjoying participatory status with the Council of Europe (May 2007)**

European Young Women's Christian Association (European YWCA)  
World Alliance of YMCA's (Young Men's Christian Associations)  
International Catholic Society for Girls (ACISJF)  
The World Catholic Association for Communication (SIGNIS)  
International Association of Charities (AIC)  
International Association of Jewish Lawyers and Jurists (IAJLJ)  
Initiatives of Change International (IFOC)  
International Council of B'Nai B'Rith (ICBB)  
International Catholic Child Bureau (ICCB)  
Caritas Internationalis (International Confederation of Catholic Charities)  
European Colloquy of Parishes (CEP)  
Churches' Commission for Migrants in Europe (CCME)  
InterEuropean Commission on Church and School (ICCS)  
International Catholic Migration Commission (ICMC)  
Conference of European Churches (CEC)  
European Conference of Christian Radios (CERC)  
Conference of European Rabbis (CER)  
European Jewish Congress (EJC)  
Quaker Council for European Affairs (QCEA)  
European Council of Jewish Communities (ECJC)  
European Council of WIZO Federations (ECWF)  
International Council of Jewish Women (ICJW)  
Federation of Catholic Family Associations in Europe (FAFCE)  
European Federation of Christian Student Associations (EKV)  
European Association for Catholic Adult Education (FEECA)  
International Federation of Action of Christians for the Abolition of Torture (IFACAT)  
International Federation of Catholic Universities (IFCU)  
Forum of European Muslim Youth and Student Organisations (FEMYSO)  
International Young Catholic Students – International Movement of Catholic Students, European Co-ordination (IYCS-IMCS)  
Pax Christi – International Catholic Peace Movement  
International Movement of Apostolate in Middle and Upper Classes (MIAMSI)  
International Movement of Catholic Agricultural and Rural Youth (MIJARC)  
Catholic International Education Office (OIEC)  
European Union of Former Students of Catholic Teaching (UNAEC-EUROPE)  
World Union of Catholic Women's Organisations (WUCWO)  
World ORT (Organisation for Educational, Resources and Technological Training)  
International Humanist and Ethical Union (IHEU)

#### **INGOs with an application for participatory status pending:**

ESPACES – Spiritualities, cultures and society in Europe  
European Network Church on the Move  
The European Union of Jewish Students

*Reporting Committee:* Committee on Culture, Science and Education

*Reference to Committee:* Doc. 10908, Reference No. 3238 of 26 June 2006

*Draft Recommendation* adopted unanimously by the Committee on 31 May 2007

*Members of the Committee:* Mr Jacques **Legendre** (Chairman), Baroness Hooper, Mr Wolfgang Wodarg, Mrs Anne **Brasseur**, (Vice-Chairpersons), Mr Hans Ager, Mr Toomas Alatalu, Mr. Kornél **Almássy**, Mr Lars Barfoed, Mr Rony Bargetze, Mr Lars **Bartos**, Mrs Marie-Louise Bemelmans-Videc (Alternate: Mr **Dees**), Mr Radu Mircea Berceanu, Mr Levan Berdenishvili, Mrs Oksana Bilozir, Mrs Maria Luisa Boccia (Alternate: Mr Stefano **Morselli**), Mrs Margherita Boniver, Mr Ioannis Bougas, Mr Osman Coşkunoglu, Mr Vlad Cubreacov, Mr Ivica Dačić, Mrs Maria **Damanaki**, Mr Joseph Debono Grech, Mr Stepan Demirchyan, Mr Ferdinand Devinski, Mrs Åse Gunhild Woie **Duesund**, Mr Detlef Dzembitzki, Mrs Anke Eymmer, Mr Relu Fenechiu, Mrs Blanca Fernández-Capel, Mrs Maria Emelina **Fernández-Soriano**, Mr Axel **Fischer**, Mr José **Freire Antunes**, Mr Eamon Gilmore, Mr Stefan Glăvan, Mr Luc Goutry, Mr Vladimir Grachev, Mr Andreas Gross, Mr Jean-Pol **Henry**, Mr Rafael **Huseynov**, Mr Fazail Ibrahimli, Mrs Halide İncekara, Mrs Evguenia Jivkova, Mr Morgan Johansson, Mrs Dagny Jónsdóttir, Mr Ali Rashid Khalil, Mr József **Kozma**, Mr Jean-Pierre **Kucheida**, Mr Markku **Laukkanen**, Mr Guy **Lengagne**, Mrs Jagoda Majska-Martinčević, Mr Tomasz **Markowski**, Mr Andrew McIntosh, Mr Ivan Melnikov (Alternate: Mr Alexander **Fomenko**), Mrs Maria Manuela **Melo**, Mrs Assunta Meloni, Mr Paskal Milo, Mrs Christine **Muttonen**, Mrs Miroslava **Němcová**, Mr Edward O'Hara (Alternate: Mr Robert **Walter**), Mr Kent **Olsson**, Mr Andrey Pantev, Mrs Antigoni Pericleous Papadopoulos, Mr Azis **Pollozhani**, Mrs Majda Potrata, Mr Dušan Proroković, Mr Lluís Maria de Puig (Alternate: Mrs María Josefa **Porteiro**), Mr Zbigniew Rau (Alternate: Mr Zbigniew **Girzynski**), Mrs Anta Rugāte, Mr André Schneider, Mr Urs Schweitzer, Mr Vitaliy Shybko, Mrs Geraldine Smith, Mrs Albertina Soliani, Mr Yury Solonin, Mr Christophe Spiliotis-Saquet (Alternate: Mr Bernard **Marquet**), Mr Valeriy **Sudarenkov**, Mr Petro Symonenko, Mr Mehmet Tekelioğlu, Mr Ed van Thijn, Mr Piotr Wach, Mr Emanuelis **Zingeris**

N.B: The names of the members who took part in the meeting are printed in **bold**

*Head of the Secretariat:* Mr Grayson

*Secretaries to the Committee:* Mr Ary, Mr Dossow