

WESTERN EUROPE

USCIRF continues to monitor the religious freedom related issues in Western Europe highlighted in last year's Annual Report. These include restrictions on, and efforts to restrict, certain forms of religious expression (particularly dress and visible symbols, ritual slaughter, and religious circumcision); governmental monitoring of disfavored groups pejoratively labeled "cults" or "sects;" lack of accommodation of religious objections; and the potential use of hate speech laws against peaceful expressions of belief. USCIRF is concerned that these restrictions are creating a hostile atmosphere against certain forms of religious activity in Western Europe, as well as limiting social integration and educational and employment opportunities for the affected individuals. Governmental restrictions on religious freedom both arise from and encourage a societal atmosphere of intolerance against the targeted religious groups.

The International Covenant on Civil and Political Rights (ICCPR) and other international documents guarantee to every individual not only the right to believe, but also the right to manifest one's beliefs, individually or in community with others, in public or in private, through worship, observance, practice and teaching.¹ This encompasses a broad range of acts, including building places of worship, displaying symbols, observing dietary restrictions, wearing distinctive clothing or head coverings, and participating in rituals associated with certain stages of life.² Any limitations on these freedoms must meet several requirements: be prescribed by a narrowly-drawn law; not discriminatory; not destructive of guaranteed rights; not based solely on a single tradition; and necessary to protect an interest specifically enumerated in ICCPR Article 18. The five interests enumerated in Article 18 are public safety, public order, public health, public morals, or the fundamental rights and freedoms of others.

¹ ICCPR, Article 18(1).

² Hum. Rts. Comm., gen. cmt. 22, art. 18, para. 2 (forty-eighth session, 1993), UN Doc. CCPR/C/21/Rev.1/Add.4 (1994).

Relevant developments during 2013-2014 are highlighted below.

Religious Dress

Various European states, at the national, state, and/or local level, restrict individuals from wearing visible religious symbols, such as Islamic headscarves, Sikh turbans, Jewish skullcaps, and Christian crosses, in certain contexts. For example, France and some parts of Belgium, Germany, and Switzerland prohibit wearing such symbols in public schools. In August 2013, a French government body, the High Council for Integration, proposed extending this ban to public universities. The French government also does not permit any government employees to wear visible religious symbols or religious dress at work. During 2013, President François Hollande and other high-ranking government officials publicly called for this prohibition to be extended to at least some private workplaces.

France and Belgium also ban the wearing of full-face Islamic veils anywhere in public. Covering one's face in public presents legitimate issues not presented by other forms of religious dress, such as the necessity of facial identification, which may justify governmental restrictions under certain circumstances. However, to satisfy international religious freedom standards, such restriction must be narrowly tailored to achieve a specified permitted ground (public safety, public order, public health, public morals, or the rights and freedoms of others) and it must be non-discriminatory. A case challenging the French full-face veil ban was argued before the European Court of Human Rights in November; the decision has yet to be released.

Ritual Slaughter

A 2009 European Union directive generally requires stunning before slaughter but allows countries to exempt religious slaughter. Nevertheless, EU members Luxembourg and Sweden and non-EU members

Switzerland, Norway, and Iceland continue to ban all slaughter without stunning, including ritual slaughter. In February 2014, Denmark joined these countries in prohibiting ritual slaughter. Ritual slaughter also is currently not permitted in Poland after a late 2012 court ruling, but the country's Muslim and Jewish communities are seeking further court review. In July the Polish parliament rejected a bill that would have allowed ritual slaughter to resume in the country.

Religious Circumcision

Disputes continue concerning the religious circumcision of male children, which is integral to both Judaism and Islam. Organizations such as the Swedish Medical Association, the Danish College of General Practitioners, and the Norwegian Ombudsman for Children have spoken out against the practice as, in their view, abusive. In October 2013, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution expressing concern about violations of the physical integrity of children, including "female genital mutilation, the circumcision of young boys for religious reasons, early childhood medical interventions in the case of intersex children, and the submission to, or coercion of, children into piercings, tattoos or plastic surgery." The resolution called for doctors and religious representatives to engage in "dialogue" to "clearly define" acceptable circumstances for religious circumcision. The accompanying report called the practice the "dark side" of religion and a human rights violation. In December 2013, a group of PACE parliamentarians proposed a counter-resolution calling the Jewish and Muslim circumcision of boys "a religious rite which does not present risks for children [that] should be respected as a longstanding religious tradition." It remained under consideration at the end of the reporting period.

Governmental Monitoring of Disfavored Religious Groups

Since the 1990s, the governments of France, Austria, Belgium, and Germany have, to varying degrees, taken measures against religious groups they view as "cults" or "sects," including through monitoring and investigations. Targeted groups have included Jehovah's Witnesses, Scientologists, Hare Krishnas, Evangelical Protestants, and other small, non-traditional, and/or new religious communities. In 2012, the French govern-

ment created a new entity (in addition to its "anti-cult" agency) to observe and promote secularism in the country, about which some religious groups have expressed concern.

Hate Speech Laws

The peaceful public sharing of one's religious beliefs is both an integral part of religious freedom and also protected by freedom of expression. This includes the expression of beliefs that may be offensive to others or are controversial in society, such as views on homosexuality or abortion. Vague and overbroad laws against "incitement to hatred" that encompass speech that does not rise to the level of incitement of violence pose a risk of chilling protected expression. If used against the peaceful expression of beliefs, they can result in violations of the freedoms of speech and religion.

Accommodation of Religious Objections

There have been issues in many countries concerning how to address conflicts between religious beliefs and generally-applicable laws, government policies, or employer requirements. In January 2013, the European Court of Human Rights recognized that wearing religious symbols or not being required to endorse same-sex relationships are protected manifestations of religious freedom that employers may only limit under certain circumstances.³ The decision did not establish a uniform approach for all cases, but rather gave great deference to national authorities to decide how to strike the balance in each particular case. In this context, the 2013 USCIRF Annual Report also discussed the prohibition on home-schooling in Germany and mentioned the case of a German home-schooling family, the Romeikes, seeking asylum in the United States. In February 2014, the U.S. Supreme Court declined to review the Romeike's appeal of a lower court decision denying their asylum claim, but U.S. Department of Homeland Security decided to allow them to remain in the United States nonetheless.

³ *Eweida and others v. the United Kingdom*, nos. 48420/10, 59842/10, 51671/10 and 36516/10, chamber judgment (January 15, 2013).