

# ***Human Rights Without Frontiers Int'l***

Avenue d'Auderghem 61/16, 1040 Brussels

Phone/Fax: 32 2 3456145

Email: [international.secretariat.brussels@hrwf.net](mailto:international.secretariat.brussels@hrwf.net) – Website: <http://www.hrwf.net>



## **EU Guidelines on Freedom of Religion or Belief An opportunity for religious minorities in Turkey**

**Conference “Tearing Down Walls: Achieving Religious Equality in Turkey”**

**4-5 December 2013, Berlin**

**Willy Fautré**

# **EU Guidelines on Freedom of Religion or Belief**

## **An opportunity for religious minorities in Turkey**

For many years, freedom of religion or belief was a non-issue on the agenda of the European Union. Things only started to change a few years ago.

### **Short history of the Guidelines**

During the Swedish EU Presidency in 2009, the EU adopted its first Council Conclusions on Freedom of Religion or Belief, which were followed by Conclusions in 2011 as a response to violent incidents on religious grounds in the Middle East and Africa. Following the Arab Uprisings, questions of religion or belief in authoritarian regimes, fragile states and societies in transition came to the fore with an explicit need for the EU to develop policy on how to respond to these complex issues and developments.

On 13<sup>th</sup> June 2013, the European Parliament adopted a recommendation to the Council on Guidelines about the Promotion and Protection of Religion or Belief.

On 24<sup>th</sup> June 2013, EU Guidelines on Freedom of Religion or Belief (FORB) were adopted by the EU Foreign Affairs Council (FAC) in Brussels. The Guidelines on FORB are the result of the EU Strategic Framework and Action Plan on Human Rights and Democracy which the Council adopted one year ago. The Guidelines cover the rights not only of believers but also of non-believers.

Before 2003, nine other sets of Guidelines (Child's Rights, Torture...) were adopted by the European Union. This means that FORB was very far from being a priority.

As the tenth set of EU human rights Guidelines, the Document outlines priority areas and operational tools for the promotion of religious freedom, with the aim of equipping the EU to support individuals and communities who face infringements to this right, addressing violations when they occur and preventing future incidents.

### **Purpose of the Guidelines**

It first must be stressed that this EU Document is as important as the International Religious Freedom Act adopted by the United States in 1998.

In adopting the Guidelines, the EU acknowledges that religious freedom violations, committed by state and non-state actors alike, are widespread and complex, affecting societies and individuals everywhere, including in Europe. It also clarifies the EU's own position towards religion or belief, not aligning itself with any specific view or conviction, but upholding the right of the individual to choose and change, adopt or abandon a conviction according to one's conscience.

When an issue is enshrined in the official status of Guidelines, it means the EU commits itself to mainstream these principles and is sending a strong signal to all countries that do not respect them.

The Guidelines will be an important tool for EU officials in third countries like Turkey to assist citizens who have been discriminated against on the basis of their religion or belief. The Guidelines set out the actions and measures that the EU can take at multilateral-fora, regional and bi-lateral levels against countries which violate FORB.

*Human Rights Without Frontiers* had the honour to be involved in the drafting process of the Guidelines along with religious communities and civil society at all stages of the drafting process.

### **Structure of the Guidelines**

In the **Introduction**, the EU stresses that it is “guided by the universality, indivisibility, inter-relatedness and interdependence of all human rights, whether civil, political, economic, social or cultural.”

With these Guidelines, the EU reaffirms its determination to promote, in its external human rights policy, freedom of religion or belief as a right to be exercised by everyone everywhere, based on the principles of equality, non-discrimination and universality. Through its external policy instruments, the EU intends to help prevent and address violations of this right in a timely, consistent and coherent manner.

The introduction also points at two main components of FORB under international law:

- the freedom to have or not to have or adopt (which includes the right to change) a religion or belief of one’s choice, and
- the freedom to manifest one’s religion or belief, individually or in community with others, in public or private, through worship, observance, practice and teaching.

In the section **Basic Principles of Action**, it is said that the EU action will be based on several principles:

- the universal character of freedom of religion or belief;
- the primary role of states in ensuring freedom of religion or belief;
- the connection with the defense of other human rights and with other EU Guidelines on Human Rights.

In the part devoted to the **Priority Areas of Action**, a number of themes are prioritized: inter-religious violence, freedom of expression, promotion of respect for diversity and tolerance, discrimination, the right to change or leave one’s religion or belief, the right to manifest one’s religion or belief as well as the support and protection for human rights defenders.

For each of these issues, the EU Guidelines list a number of concrete actions it will carry out.

In the section entitled **Tools**, the Guidelines list the EU mechanisms that will be involved in the fulfilment of its commitments and this is of primary importance for religious minorities in Turkey:

*Monitoring, assessing and reporting* will be vital to the success of the FORB Guidelines.

EU missions (EU Delegations) as well Member States Embassies and Consulates around the world) will be tasked to collect information from the field, to meet and listen to local victims and human rights organizations, to assess the data and to channel them to Brussels. Advocates of religious freedom in Turkey will have to take such an opportunity in both hands once the whole mechanism of implementation of the Guidelines is operational.

The EU will also be in a position to raise FORB issues

- through its *public diplomacy*
- in the framework of *human rights and political dialogues* with other countries
- on the occasion of *state visits*
- *in multilateral fora* such as the United Nations, the OSCE or the UNESCO

The Guidelines implementation mechanism is still only in its infancy and *training* of EU officials will be at the heart of the issue. It is indeed fair to say that most EU officials, whether in Brussels or serving as EU representatives in third countries, have little or no knowledge of FORB. EU missions will therefore need more guidance on FORB implementation in specific situations and on what actions to take. This implies training on identifying volatile situations where violations are likely to occur. For instance, some violations are more easily detected than others, such as the enactment of discriminatory laws, the confiscation of property used for religious purposes or evident acts of violence against a religious or belief minority.

Through all these mechanisms, there will be major leverages available for the promotion of FORB in Turkey and religious freedom advocates should make full use of them.

In the last section, the Guidelines address the issue called **Implementation & Evaluation**. This mission is granted to the COHOM, its Task Force on Freedom of religion or belief and the geographic Council working groups. It will be tasked to develop additional guidance for action for EU missions, in particular regarding systemic issues and individual cases.

COHOM will evaluate the implementation of the Guidelines after a period of three years, inter alia on the basis of the reports submitted by Heads of Mission and after consultation with relevant academic experts, human rights defenders and NGOs, churches, religious and philosophical associations. *Human Rights Without Frontiers* welcomes the announced inclusion of civil society in consultation and development of the FORB Guidelines.