

# WESTERN EUROPE

## OTHER COUNTRIES AND REGIONS MONITORED

### KEY FINDINGS

USCIRF continues to monitor religious freedom-related issues in Western Europe highlighted in previous Annual Reports. These include: government registration requirements and monitoring of disfavored groups pejoratively labeled as “cults” or “sects”; government restrictions on and efforts to restrict certain forms of religious expression (such as places of worship, dress and visible symbols, and parents’ rights); the impact of hate speech and other laws on peaceful expressions of belief; and the impact of counterextremism policies on certain religious communities. Governmental restrictions on

religious freedom both arise from and encourage a societal atmosphere of intolerance against the targeted religious groups, and limit their social integration and educational and employment opportunities. Alongside these restrictions, in recent years there has been an alarming rise in societal hostility toward Jews and Muslims in Europe, including discrimination, harassment, and sometimes violence, which further isolates and marginalizes these populations. Organizations tracking anti-Semitic and anti-Muslim incidents in a number of Western European countries reported increases in 2016.

### Registration of Religious Communities

Several countries in Western Europe, including Denmark, Finland, Greece, Malta, Liechtenstein, and the United Kingdom (UK), maintain official state or national churches that enjoy legally mandated privileges not allowed to other religious communities. Some countries have taken positive steps to address this power imbalance, as with Norway’s January 2017 rewording of its constitution to describe the Evangelical Lutheran Church of Norway as “Norway’s national church” (changed from “the state’s public religion”).

Non-state or non-national religious communities in many countries still must be registered to receive financial or administrative benefits, like the right to perform marriages. Additionally, since the 1990s, the governments of France, Austria, Belgium, and Germany have—to varying degrees—taken measures against nonregistered 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, nontraditional, and/or new religious

communities. In March 2016, Belgian courts dismissed charges of organized crime that were leveled by the state prosecutor against the Church of Scientology, noting the charges were based on prejudice and violated the defendants’ human rights. The Organization for Security and Cooperation in Europe (OSCE) hailed the dismissal of

the charges as “an important legal precedent protecting religious freedom.”

### Places of Worship

In Switzerland, the federal constitution bans the construction of minarets. The ban was enacted through a 2009 popular referendum initiated by the right-wing Swiss People’s Party (SVP); the Swiss government opposed the ban as irreconcilable with human rights guarantees in European and international law and the Swiss constitution. No other European country has a constitutional provision or national law banning minarets, but in various countries generally applicable zoning and other laws have been applied in a discriminatory manner to Muslim places of worship. In one example, France’s En-Nour Mosque project was initiated in 2002, long-delayed by Nice’s mayor, and finally opened to the public in June 2016. The mosque continues

to face legal challenges and threats of closure from regional politicians. Farther east, there is still no official mosque in Athens, Greece, the only European Union (EU) capital without one, despite the Greek parliament

approving construction in 2011 and the country’s highest administrative court, the Council of State, rejecting a legal challenge in 2014. The mosque is currently scheduled to open in April 2017, despite ongoing resistance from far-right parties and Orthodox Christian religious leadership.

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## Ritual Slaughter and Dietary Requirements

An EU directive generally requires stunning before slaughter but allows countries to exempt religious slaughter. Ritual slaughter and following kosher or halal diets are considered religious mandates for many Jews and Muslims; therefore, restrictions on ritual slaughter or access to religiously acceptable foods present severe difficulties for these communities and send an implicit message of exclusion. Nevertheless, EU members Denmark, Luxembourg, and Sweden, and non-EU members Switzerland, Norway, and Iceland continue to ban all slaughter without stunning, including kosher and halal slaughter. Likewise, new rules implemented in the Netherlands as of January 2017 potentially impose burdens on religious freedom by requiring government registration of all facilities that slaughter without stunning, and stipulating that such meat must be labelled and sold only in specialty grocery stores. In February 2017, a Belgian draft bill that would have revoked the country's exemption for religious slaughter in one of the country's provinces was halted by the constitutional court on religious freedom grounds. In 2015, several French towns discontinued providing nonpork alternatives in school cafeterias for Jewish and Muslim students, arguing this was required under France's strict form of secularism.

## Parents' Rights

Disputes continue over 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 asserted the practice is abusive. Following his visit to Denmark in March 2016, the United Nations (UN) Special Rapporteur on freedom of religion or belief reported that a proposed ban on circumcision had increased anxieties among the country's Jewish community. As of January 2017, all circumcisions must be registered with the Danish Health Ministry, with fines levied for noncompliance.

Parents in some Western European countries also face religious freedom challenges in the field of education. In recent years, German parents who homeschooled their children for religious reasons were fined for violating school attendance laws, and at least one family unsuccessfully sought asylum in the United States. In

another example, Irish parents have raised concerns about policies in state-funded Catholic-run schools that take into account students' religious identity in determining admissions. The UN Committee on the Rights of the Child strongly recommends ending these policies. Ireland's new Education Bill, passed in July 2016, continued the allowance for admission decisions based on religion in order to "maintain the ethos of the school." However, in January 2017 the Irish Minister of Education launched a public consultation on how best to transition away from religion-based admissions procedures.

Several court rulings in the reporting period reflected increasing resistance to accommodations for the religious convictions of parents and their children. Swiss education authorities released a May 2016 statement requiring students to shake their teacher's hand regardless of sex, overturning an earlier local exemption for Muslim students. In January 2017, the European Court of Human Rights supported Swiss authorities' controversial denial of a religious exemption for Muslim girls required to participate in mixed-gender swimming lessons.

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## Restrictions on Religious Dress

Various European countries 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. Within the past year, courts in both Germany and the Czech Republic delivered more restrictive rulings about students' right to wear veils in schools. France and Belgium, moreover, ban the wearing of full-face Islamic veils anywhere in public. During 2016, the Netherlands took steps to enact a partial ban on full-face veils. The proposal, put forward by the Dutch cabinet, would forbid such veils on

public transport and in government buildings, schools, and hospitals; it passed the lower house of parliament in November 2016, but had not yet been approved by the upper house as of February 2017. In January 2017, Austria's coalition government released a policy plan that included both a proposed ban on full-face veils in public and preliminary steps toward a ban on civil servants wearing religious symbols.

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 in some circumstances. However, to satisfy international religious freedom standards, a restriction must be tailored narrowly to achieve a specified permitted ground, and it must be nondiscriminatory. The European Court of Human Rights upheld the French full-face veil ban in 2014, finding it justified to uphold "the minimum requirements of life in society." Politicians throughout Europe have drawn upon grounds of integration and social order to promote further legal restrictions on veiling. French presidential candidate Marine le Pen proposed a ban on all religious symbols in public, including yarmulkes.

The European debate over religious dress in 2016 was dominated by concerns over "burkini bans" that restricted the access of covered Muslim women to pools, beaches, and municipalities. In August 2016, authorities in the town of Villeneuve-Loubet, France, issued a ban on burkinis, citing public order. In the wake of attacks in France and Belgium, similar measures were enacted in almost 30 other French towns, as well as cities in Austria, Germany, and Spain. The French Council of State set legal precedent by ruling that the original municipality had failed to prove the risk of disruption to public order, and furthermore had seriously infringed upon fundamental liberties, including religious freedom.

### Freedom of Expression

The peaceful public sharing of one's religious beliefs is both an integral part of religious freedom and protected

by freedom of expression. This includes the expression of beliefs that may be offensive to others or controversial in society, such as views on homosexuality, abortion, or other religions. 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 jeopardizing protected expression. If used against the peaceful expression of beliefs, these laws can result in violations of the freedoms of speech and religion.

In June 2016, the European Commission launched the High Level Group on Combating Racism, Xenophobia and Other Forms of Intolerance, tasked with enforcement of hate speech laws online. The commission enlisted the support of major information technology companies, including Twitter and Facebook, in prohibiting the "promotion of incitement to violence and hateful conduct."

While this measure may play an important part in countering the rising tide of online anti-Semitic and anti-Muslim hatred, the involvement of private-sector entities in determining legality of speech based on broad definitions has raised con-

cerns about dangers to freedom of expression.

In addition, many countries in Western Europe, including Austria, Denmark, France, Germany, Ireland, and Italy, retain legislation on blasphemy, defamation of religion, or "anti-religious remarks," though these laws are seldom enforced. In one promising development, Ireland's coalition government announced in May 2016 its intention to hold a referendum on the removal of its blasphemy law. In a rare example of implementation, however, Spanish councilor Rita Maestre was charged with "infringing on freedom of conscience and religious convictions" in a high-profile case based on her participation in a topless protest within a Catholic chapel. In December 2016, the Spanish court acquitted Maestre, holding that her actions were disrespectful, but not desecration. In February 2017, Denmark issued its first charge of blasphemy since 1971. The accused, a 42-year-old man who uploaded a video of himself burning a Qur'an, faces a possible four-month prison sentence or a fine. The trial is scheduled for June 2017.

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## Counterextremism Legislation

In the past few years, the Islamic State of Iraq and Syria (ISIS) and other terrorist organizations have recruited thousands of Europeans to fight in Iraq and Syria, drawing especially from France, Germany, and the UK. While the numbers of recruits traveling to conflict zones fell drastically in 2016, experts worry this shift reflects a growing danger of attacks on European soil. In order to stem the outward flow of foreign fighters and address the threat of those returning to Europe, many countries have announced new domestic counterextremism policies. The European Court of Human Rights allows for antiterrorism measures but requires they exclude “any discriminatory or racist treatment, and must be subject to appropriate supervision.” A number of European countries’ antiterrorism and counterextremism policies have come under scrutiny for possible overreach, especially their impact on the rights of European Muslims.

France, Spain, Germany, and the UK have all outlawed glorification or defense of terrorism in an effort to counter radicalization. However, the laws have been applied broadly in the wake of terrorist attacks in Europe, with cases brought against artists, young children, people with developmental disabilities, and drunk people. The UK’s Prevent strategy has faced political and legal challenges for its unclear definition of “extremism” and implicit linking of religious conservatism and violence. British Muslim activist Salman Butt, who was publicly named as a “nonviolent extremist” under the Prevent strategy, is currently pressing a test case against the home secretary with the approval of a High Court judge.

In response to the 2015 terrorist attacks in Paris, France announced a national state of emergency, extending the power of the interior minister and local government officials to include house arrest, search and seizure of computer files, protest bans, and dissolution of associations, all with minimal judicial oversight. Reports show the administrative orders (“white notes”) issued under the state of emergency are often written broadly enough to implicate observant Muslims, including those who travel to Saudi Arabia on pilgrimage or who are affiliated with a particular mosque, rather than only violent extremists. Despite concerns voiced by the Council of Europe’s Human Rights Commissioner about the “stigmatization of certain communities,” the French National Assembly renewed the state of emergency for a

fifth time in December 2016, citing a continued high risk of terrorist attacks.

## Anti-Semitism

France has the largest Jewish community in Europe and the third largest in the world, estimated at around 500,000 people (approximately 0.75 percent of France’s population). There also are Jewish communities in other European countries, including Belgium, Germany, Italy, Sweden, and the UK. Anti-Semitic incidents, ranging from verbal harassment to vandalism of property to violent attacks, including terrorist attacks on Jews and Jewish sites, have occurred in multiple Western European countries in the past few years. The UK alone witnessed record numbers of anti-Semitic incidents in 2016. A poll released in September 2016 showed declining numbers of European Jews going to synagogues on high holy days due to increased security concerns. Reports indicate increasing Jewish emigration from Western Europe, particularly France, in the past several years. Numbers of French Jews immigrating to Israel, which spiked at 7,900 in 2015, reached 5,000 in 2016. By contrast, the number was fewer than 1,900 in 2012.

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Anti-Semitism in Western Europe has three primary sources: Islamist extremists, the political far-right, and the political far-left. Islamist extremists have been the main perpetrators of anti-Semitic violence in the region; examples include terrorist attacks against a Jewish school in Toulouse in 2012, a Jewish museum in Brussels in 2014, and a kosher supermarket in Paris and a synagogue in Copenhagen in 2015. Additionally, on the far-right, xenophobic nationalist political parties and groups, including neo-Nazis, continue to espouse anti-Semitism. Finally, far-left anti-Israel sentiment often crosses the line from criticism of Israeli policies into anti-Semitism, especially at times of increased Israeli-Palestinian conflict.

Western European Jewish leaders emphasize that, unlike in the 1930s, anti-Semitism in the region today is not government sponsored. Political leaders across Europe have spoken out strongly against it, and governments have provided security for Jewish sites. In her first year as EU Coordinator for Combatting Anti-Semitism, Katharina von Schnurbein visited with Jewish communities throughout Europe and pushed for greater awareness of Jewish history, including Holocaust remembrance.

and bringing the Qur'an into public buildings. The manifesto of the Alternative for Germany party states explicitly that "Islam has no place in Germany."

### Anti-Muslim Bias

Western Europe's largest Muslim population lives in France, comprising approximately 8 percent of the country's total population, or approximately 5.3 million people. A number of other European countries have Muslim populations in the 4 to 6 percent range. Anti-Muslim incidents, ranging from verbal harassment to property vandalism to violent assaults, have occurred in multiple Western European countries in recent years. According to many reports, these incidents increased in 2016, especially in the wake of the British referendum on EU membership. Discrimination against Muslims, including in education, employment, and housing, is a significant problem. Such incidents and discrimination also impact religious communities like the Sikhs, who are sometimes mistaken for Muslims due to religious dress. In his first year as EU Coordinator on Combating Anti-Muslim Hatred, David Friggieri served as liaison to European Muslim communities, elevating their security concerns and promoting antidiscrimination legislation.

While levels of irregular migration to Europe were lower in 2016 than in 2015, more than a million migrants and asylum seekers continue to await processing, mostly from Syria, Iraq, and Afghanistan. At a time of high-profile Islamist terrorist attacks around the globe, including in France and Belgium, this situation exacerbated anti-Muslim sentiment. Despite the fact that many were fleeing conflict, the largely Muslim arrivals were viewed with suspicion and fear in many countries. Far-right political parties and other nativist groups are a major source of the intolerant rhetoric and acts against Muslims in Western Europe. A draft manifesto released by the Netherlands' Party for Freedom called for "de-Islamization" of the country, including closure of mosques, Islamic schools, and asylum centers, and bans on migrants from Islamic countries, public veiling,