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## **EU: 10th Anniversary of the EU Guidelines on Freedom of Religion or Belief**

*Photo credit: EU Brussels FoRB Roundtable – THIX Photo. – 10th Anniversary of the EU Guidelines on FoRB co-organized by the Eu Parliament Intergroup on FoRB&RT, with HRWF, EU Brussels FoRB Roundtable and Netherlands FoRB Roundtable.*

**EU: Some reflections about the 10th Anniversary of the EU Guidelines on**

# Freedom of Religion or Belief

*Paper presented at the conference held on 29 June at the European Parliament to commemorate the 10<sup>th</sup> anniversary of the EU Guidelines on Freedom of Religion or Belief. The FORB Roundtables Brussels-EU and Netherlands as well as HRWF contributed to this event hosted by MEPs Peter van Dalen and Carlo Fidanza.*

By José Luis Bazan, Legal adviser, COMECE (Commission of Catholic Episcopal Conferences of the EU)

HRWF (29.06.2023) – On 24 June 2013, the Foreign Affairs Council adopted the EU Guidelines on the promotion and protection of freedom of religion or belief. Three years later, in May 2016, the President of the Commission Jean-Claude Juncker adopted the decision to create the function of Special Envoy for the promotion of the freedom of religion or belief outside the EU. Again, three years later, on 6 of September 2019, Federica Mogherini, High Representative of the Union for Foreign Affairs and Security Policy announced a new EU-sponsored “Global Exchange on Religion in Society” (1). If it were not a coincidence, I would say that every three years, the EU has got us used to seeing an institutional project concerning religious freedom outside the EU. I understand, unless I am mistaken, that in the coming months we should, perhaps, await something new in this area.

Expectations were high in 2013 with the EU Guidelines, which were hailed by many as a good first step in the right direction, disregarding certain limitations. Just to mention a couple of examples: the lack of explicit recognition of the right of parents that their children are educated according to their moral and religious beliefs that goes beyond “the right

*of parents to teach their children in the tenets of their religion or belief” (2); and of the fundamental right to conscientious objection beyond military service, in areas such as health or education. (3)*

The appointment of Jan Figel’ as the first EU Special Envoy for Religious Freedom, despite the scarcity of human and financial resources provided for the post – which was also criticized by the European Parliament – (4), was a success thanks to the commitment of the appointee, which created a school, and paved the way for the proliferation of “Special envoys” and “representatives” on freedom of religion in EU members states.

However, the good prospects for the EU’s engagement in the promotion and protection of religious freedom have been progressively dimmed. First, there are many doubts about the actual implementation of the EU Guidelines in EU delegations around the world: there is a perception that in some cases they are not even properly known by the staff in those delegations, as the European Parliament’s Intergroup on Religious Freedom pointed out in its 2021 report (5). The fact that no information is published or shared on their actual implementation does not help to dispel these doubts. We are aware of training activities that try to increase the knowledge and awareness of EEAS staff in this area, but knowledge does not seem to be enough to reach a sufficient level of commitment.

Secondly, after the end of the Jan Figel’s mandate in 2019, the EU didn’t show much appetite in appointing his successor, and, except for the brief period in 2021, the Special Envoy position was left vacant for almost three years (again), until

December 2022, when the senior Belgian diplomat Frans van Daele was appointed. But, once more, enjoying very limited margin of maneuver and with little resources at disposal.

Regarding the “Global Exchange on Religion in Society”, it can be a useful instrument to reach the attempted goal “*to connect civil society practitioners inside and outside Europe working on faith and social inclusion*” (6), if it is properly done and the autonomy of religious communities is respected. However, this would be more on the side of “prevention” than “protection” of those suffering religious freedom violations. Looking at the reports about religious freedom worldwide, the threats and trends that are endangering this fundamental human right, and the biblical proportion of the number of victims, the EU position can’t be neither cosmetic nor anecdotal: the response to these massive violations, where Christian are the most persecuted religious community as highlighted by the European Parliament (7), should be firmer and more explicit.

The credibility of the EU’s commitment depends on it acting with determination to protect and promote religious freedom. More resources are needed, greater awareness of the importance of religious freedom outside the EU as an essential factor in understanding the society and politics of the countries with which the EU has relations. But also, a firmness that is lacking in many cases: for example, responding to the massacres of more 50,000 Christians in Nigeria, at the hands of radical Islamists (8); or implement the EU’s own rules for the renewal of the GSP+ system with Pakistan, currently under negotiation.

Moreover, the external discourse cannot be detached from the reality in Europe of flagrant and, unfortunately, increasingly

frequent violations of religious freedom and other fundamental rights of believers: for example, their possibility to educate their children according to their convictions or not to be forced in their professions to perform acts against their conscience. We cannot be critical without being self-critical: any moral authority derives from incoherence.

We should recognize that some EEAS staff members (as well as others in the European Commission and the EU Parliament) show a laudable openness and commitment to the cause of freedom of religion and offer the opportunity to religious and non-religious actors to engage in conversations and bring their respective concerns to the attention of the institution. However, the commitment should come also from the leaders of all EU institutions. It is in the interest of the EU to understand better the world, which is massively religious, and to avoid the temptation to consider as a universal paradigm that religion is purely a private matter.

I hope that the EU won't wait three more years to take the decision to avoid the progressive postponement of religious freedom to a *de facto* status of a second-class human right, which must always yield to others, or to artificially promote non-consensual new "counter-rights", breaking the natural harmony of the human rights ecosystem, as recognized by the international community in the Universal Declaration of Human Rights and the 1966 New York Pacts.

Thank you for your kind attention.



José Luis Bazan, Legal adviser, COMECE (Commission of Catholic Episcopal Conferences of the EU)

## Footnotes

[1][https://www.eeas.europa.eu/eeas/towards-global-exchange-religion-society\\_en](https://www.eeas.europa.eu/eeas/towards-global-exchange-religion-society_en)

2 Paragraph 40.

3 Paragraph 41.

4 European Parliament resolution of 15 January 2019 on EU Guidelines and the mandate of the EU Special Envoy on the promotion of freedom of religion or belief outside the EU:

[https://www.europarl.europa.eu/doceo/document/TA-8-2019-0013\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2019-0013_EN.html)

5 P. 24:  
<http://www.religiousfreedom.eu/wp-content/uploads/2022/03/Intergroup-FoRB-Report-Final-2021.pdf>

6  
[https://www.eeas.europa.eu/eeas/towards-global-exchange-religion-society\\_en](https://www.eeas.europa.eu/eeas/towards-global-exchange-religion-society_en)

7 European Parliament resolution of 14 December 2016 on the Annual Report on human rights and democracy in the world and the European Union's policy on the matter 2015

(2016/2219(INI)), paragraph 146:

[https://www.europarl.europa.eu/doceo/document/TA-8-2016-0502\\_EN.pdf?redirect](https://www.europarl.europa.eu/doceo/document/TA-8-2016-0502_EN.pdf?redirect)

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<https://intersociety-ng.org/5068-citizens-massacred-for-being-christians-in-nigeria-in-2022-1041-slaughtered-in-first-100-days-of-2023/>

**Further reading about FORB in the EU on HRWF website**

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