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Religious refugees from China denied asylum in Europe

Statistics for the Church of Almighty God: 1754 applications – 780 refusals – 98 recognitions – 156 deportation orders

European Countries	Total Applications	Asylum Granted	Asylum Rejected	Departure Order	Deported	Left On Own Will
FRANCE	412	5	280	103		
SWITZERLAND	33	0	26	22	3	5
NETHERLANDS	38	12	26	19		
BELGIUM	12	0	10	10		
SWEDEN	9	6	2	2		1
ITALY	622	20	183	0		
GERMANY	285	34	242	0		
SPAIN	200	<i>pending</i>	<i>pending</i>			
GREECE	44	1	6	0		
CZECH REP.	42	<i>pending</i>	<i>pending</i>			
FINLAND	39	<i>pending</i>	<i>pending</i>			
PORTUGAL	9	0	4	0		
AUSTRIA	8	<i>pending</i>	<i>pending</i>			
UK	1		1			

HRWF (11.12.2017) – Hundreds of members of the Church of Almighty God who have left their country in search of a safe haven have been denied political asylum in Europe and are under threat of being sent back to China where they will be arrested and sent to prison for years.

A preliminary research by *Human Rights Without Frontiers* covering 13 EU member states and Switzerland shows that **Italy, France, Germany and Spain** are the four European countries that are perceived by these religious asylum-seekers as Promised Lands. However, their hopes have been short-lived. As of 1 December 2017, the situation was as follows:

France had rejected 280 requests for asylum out of 412 and issued 103 orders of departure but had not deported any of them. Only 5 applications were accepted. Pending cases: 127.

In **Italy**, 622 applications were introduced, the highest number in Europe. Twenty were accepted, 183 were rejected but nobody was deported. Pending cases: 419.

In **Germany**, most of the applications were rejected: 242 out of 285. Nobody had received a departure order. Thirty-four refugees were granted asylum. Pending cases: 9.

In **Spain**, the 200 applications for asylum are pending.

Switzerland had not granted asylum to any of the 33 applicants, had turned down 26 requests and issued 22 orders of departure. Three were deported and five decided to leave the country. It is known that one of them was arrested as soon as he arrived at the airport in China. Pending cases: 7.

In the **Netherlands**, 12 people out of 38 were granted asylum while 26 applications were turned and 19 orders of departure were issued. Nobody has been deported yet.

In **Belgium**, 12 members of the Church of Almighty God applied for asylum. Ten of them were denied asylum and received an order of departure. The two other cases are pending.

In **Sweden**, 6 members of the Church of Almighty God out of 9 were granted asylum. Two received a negative answer and an order of departure. The other case is pending.

In **Greece**, 1 refugee was granted asylum out of 44 and six received a negative answer. All the other cases are pending. Nobody was deported or got an order of departure.

In **Portugal**, out of 9 applications 4 were turned down but nobody received an order of deportation. The other cases are pending.

The **UK** has rejected the only application it had received but no order of departure was issued.

The **Czech Republic, Finland and Austria** respectively received 42, 39 and 8 applications. They are all pending.

The Church of Almighty God is a new religious movement created in 1991 in China.

While their members are victims of state violence in China, Beijing's propaganda is demonizing their movement. The academic journal *The Journal of Cesnur* has published a research work of Dr Massimo Introvigne refuting Beijing's fake news and fake accusations against the Church of Almighty God (See http://cesnur.net/wp-content/uploads/2017/09/tjoc_1_1_6_introvigne_ter.pdf).

In 2004, the United Nations High Commissioner for Refugees published guidelines on religion-based refugee claims (<http://bit.ly/2BtCRgn>). These guidelines clarify that new and non-traditional religions are entitled to the same protection as mainline religions; that individuals should not prove that they have been individually persecuted and a general pattern of persecution against their religious group is sufficient; and that "persecution" should be broadly interpreted, including prohibition to freely practice and propagate one's religion.

The Church of the Almighty God fulfills these conditions. *Human Rights Without Frontiers* (Brussels) calls upon the EU member states and Switzerland to grant political asylum to their members.

Grand Chamber hearing in a case concerning the application of Islamic religious (Sharia) law to an inheritance dispute

Molla Sali v. Greece

HRWF (08.12.2017) - On 6 December, the European Court of Human Rights held a **Grand Chamber** hearing in the case of **Molla Sali v. Greece** (application no. 20452/14). The case concerns the application by the Greek courts of Islamic religious (Sharia) law to a dispute concerning inheritance rights over the estate of the late husband of Ms Molla Sali, a Greek national belonging to the country's Muslim minority. After the hearing the Court, the deliberations were held in private. Its ruling in the case will, however, be made at a later stage.

Registrar of the European Court of Human Rights (06.12.2017) - On the death of her husband, Ms Molla Sali inherited his entire estate under the terms of a will drawn up by her late husband before a notary. The deceased's two sisters contested the will, on the grounds that their brother had belonged to the Thrace Muslim community and that all matters relating to his estate were therefore subject to Islamic law and to the jurisdiction of the mufti rather than to the provisions of the Greek Civil Code. They relied in particular on the 1920 Treaty of Sèvres and the 1923 Treaty of Lausanne, which provided for Islamic customs and Islamic religious law to be applied to Greek nationals who were Muslims.

The two sisters' claims were dismissed by the Greek courts at first instance and on appeal. In September 2011 the Thrace Court of Appeal found that the decision by the deceased, a Greek Muslim and a member of the Thrace religious minority, to request a notary to draw up a public will, determining for himself the persons to whom he wished to leave his property and the manner in which this was done, was an expression of his statutory right to have his estate disposed of after his death under the same conditions as other Greek citizens. However, the Court of Cassation quashed that judgment on the grounds that questions of inheritance within the Muslim minority should be dealt with by the mufti in accordance with the rules of Islamic law. It therefore remitted the case to a different bench of the Court of Appeal for fresh consideration. On 15 December 2015 the Court of Appeal ruled that the law applicable to the deceased's estate was Islamic religious law and that the public will in question did not produce any legal effects. Ms

Molla Sali appealed against that judgment on points of law, but the Court of Cassation dismissed the appeal on 6 April 2017.

The applicant, Ms Chatitze Molla Sali, is a Greek national who was born in 1950 and lives in Komotini (Greece).

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Relying on Article 6 § 1 (right to a fair hearing), taken alone and in conjunction with Article 14 (prohibition of discrimination), Ms Molla Sali complains of the application to her inheritance dispute of Sharia law rather than the ordinary law applicable to all Greek citizens, despite the fact that her husband's will was drawn up in accordance with the provisions of the Greek Civil Code. She also alleges that she was subjected to a difference in treatment on grounds of religion.

Under Article 1 of Protocol No. 1 (protection of property), Ms Molla Sali contends that, by applying Islamic religious law rather than Greek civil law to her husband's will, the Court of Cassation deprived her of three-quarters of her inheritance.

Procedure

The application was lodged with the European Court of Human Rights on 5 March 2014. Notice of the application was given to the Greek Government, together with questions from the Court, on 23 August 2016.

On 6 June 2017 the Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber.

The following organisations were granted leave to intervene in the written proceedings as third parties: Greek Helsinki Monitor (GHM), Christian Concern et Hellenic League for Human Rights.

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Guido **Raimondi** (Italy), *President*,
Angelika **Nußberger** (Germany),
Linos-Alexandre **Sicilianos** (Greece),
Ganna **Yudkivska** (Ukraine),
Helena **Jäderblom** (Sweden),
Robert **Spano** (Iceland),
Ledi **Bianku** (Albania)
Kristina **Pardalos** (San Marino)

Human Rights Without Frontiers urges the EU member states to grant political asylum to Chinese religious refugees

HRWF (01.12.2017) - *Human Rights Without Frontiers* (Brussels) is urging the authorities of France, Germany, Greece, Italy, the Netherlands, Switzerland and other European countries to urgently grant political asylum to Chinese citizens who have been persecuted because of their religious beliefs in China.

Hundreds of members of the Church of Almighty God (CAG), a new religious movement founded in China in 1991, have left their country in search of a safe haven in Europe. They have been denied political asylum and are under threat of being sent back to China where they will be arrested and sent to prison for years.

From the early 1990s to 2017, more than 300,000 of their members have been incarcerated. Many have been tortured and at least 30 have died in custody in suspicious circumstances.

While they are victims of state violence in China, Beijing's propaganda is demonizing their movement. The Center for Studies on New Religions in Italy (CESNUR) has published a research work of Dr Massimo Introvigne refuting Beijing's fake news and fake accusations against the Church of Almighty God (See http://cesnur.net/wp-content/uploads/2017/09/tjoc_1_1_6_introvigne_ter.pdf).

In 2004, the United Nations High Commissioner for Refugees published guidelines on religion-based refugee claims (<http://bit.ly/2BtCRgn>). These guidelines clarify that new and non-traditional religions are entitled to the same protection as mainline religions; that individuals should not prove that they have been individually persecuted and a general pattern of persecution against their religious group is enough; and that "persecution" should be broadly interpreted, including prohibition to freely practice and propagate one's religion.

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Human Rights Without Frontiers (Brussels) calls upon the EU member states to grant political asylum to their members.

Country to confront controversy over historic sharia law

AFP (21.11.2017) - <http://bit.ly/2yOEM0y> - On Greece's rural border with Turkey, a sizeable Muslim minority has lived for decades, regulating their family affairs under Islamic sharia law, a legacy traced back to century-old treaties.

Now, the leftist government of Prime Minister **Alexis Tsipras** has announced plans to make sharia optional for such disputes, following recurring criticism by rights groups and a looming ruling by the European court of human rights.

Tsipras last week said his administration would pass legislation to allow litigants to opt for a Greek court to resolve family disputes, instead of appealing to Islamic jurists known as muftis.

For family law matters, Greek Muslims generally seek recourse to muftis for things like divorce, child custody and inheritance. Rights groups say it is a system that frequently discriminates against women.

Similar fears are raised in Britain, where so-called sharia councils have operated in an unofficial capacity for over 30 years.

"Over the next few days we will table an amendment in parliament... making the mufti's jurisdiction optional," Tsipras said from Thrace, the poor, mostly rural northeastern region bordering Turkey, where the 110,000-strong Muslim minority mainly resides.

The issue has its origins in the period after World War I, and treaties between Greece and Turkey that followed the collapse of the Ottoman Empire.

The 1920 Treaty of Sevres and the 1923 Treaty of Lausanne stipulated that Islamic customs and Islamic religious law would apply to thousands of Muslims who suddenly became Greek citizens.

"As a European Union nation, this does not bestow honour upon us," Tsipras said.

The move comes as the European Court of Human Rights (ECHR) is examining a complaint brought against Greece by a 67-year-old widow, **Hatijah Molla Salli**, who is locked in a heritage dispute with her late husband's sisters.

When Salli appealed to Greek secular justice, she initially won her case. But the Greek supreme court in 2013 ruled that only a mufti had the power to resolve Muslim heritage rights.

The ECHR is to discuss the case on December 6, and Salli's lawyer **Yannis Ktistakis** says Tsipras' timing is no coincidence.

"The government is only acting to prevent condemnation by the court, which, as everyone knows, is inevitable," Ktistakis told AFP.

He added that what Greece should do is completely eliminate the rule of sharia law on its territory, noting the patriarchal nature of Greece's Muslim community.

Terse relations

"The compulsory application of sharia is a clear violation of the minority's rights to self-determination," the Hellenic human rights league said in a statement.

It added that Greece's *"sad privilege of being the sole (EU) country still employing religious law"* was constantly leading to criticism from global rights organisations

Tsipras said that under the amendment, which has not yet been tabled, litigants can still voluntarily agree to bring their dispute before a mufti for judgment.

But if one of the two sides disagrees, the case will go to a secular court.

The issue is complicated by still-terse relations between traditional rivals Greece and Turkey.

Ankara takes a close interest in the Muslim community -- which it sees as Turkish, although it also includes Pomaks and Roma -- and frequently complains to Athens on its behalf.

In turn, Greece rejects this as interference in its domestic affairs. Greek nationalists have also long regarded the Muslim minority as overtly susceptible to Turkish influence.

Another source of tension is Turkey's insistence that muftis be elected by the community, instead of appointed by the Greek state.

But Athens admits that the Islam preached by the Thrace muftis is generally more moderate than the teachings of more hardline imams elsewhere in Europe.

Diwali at the European Parliament: HRWF raises the issue of persecution of Hindus

HRWF (11.10.2017) – HRWF was invited to participate in the Diwali celebration at the European Parliament on 11 October, hosted by MEP Geoffrey Van Orden and the Hindu Forum of Europe. The event was well-attended, with almost 200 present.

Deputy Director, Lea Perekrests, spoke about the persecution of Hindus in Pakistan, Bangladesh, and Russia:

"...In the past year, we have documented continuous persecution of Hindus in Pakistan, Bangladesh, and Russia.

In Pakistan, over the past year alone, there have been countless acts of violence, persecution and discrimination against Hindus. Such forces come against the community from both social and governmental sides.

New developments in online blasphemy laws have resulted in the imprisonment of peaceful Hindus.

Currently, Prakash Kumar remains in Gaddani Jail in Pakistan. He was arrested in May 2017 for allegedly sending blasphemous content through WhatsApp. As a result, before the police intervened, Kumar was attacked by a mob. Even after his imprisonment, mobs gathered outside the jail calling for his execution.

Additionally, there has been little protection of women and girls against kidnappings for the purpose of forced conversions to Islam and marriages to Muslim men.

In Bangladesh, the arrival and activities of the Islamic State and other violent extremist groups have contributed to increased attacks against the Hindu population and other religious minorities. The attacks have targeted not only individuals, but also places of worship.

Furthermore, these attacks against Hindus are commonly responded to with impunity.

Hindu communities have also been arriving to Bangladesh to escape persecution in Myanmar. They have set up Hindu refugee camps which have received little attention or aid from the government or international communities.

In Russia, we see yet another form of social hostility towards Hindus through hate-speech. Alexander Dvorkin, who is the vice-president of a French-funded anti-sect organisation called FECRIS, has been a particular motivator of discrimination against Hindus.

Dvorkin was an actor in the 2011 attempt to ban the Holy Scriptures of Hinduism in Russia and has been consistent in disseminating defamatory statements against Hindus in Russia.

In February of this year, a rally was held in the capital of India in front of the Russian embassy. Protestors demanded that the anti-religious activities of Alexander Dvorkin be halted. Calls were made to the Russian state to protect Hindus from persecution, but to no avail.

Hindus are persecuted and discriminated against in many ways and in many more places than what I've mentioned. The examples I have chosen, I hope highlight the ways in which you can help the Hindu community.

If you are a strong women's rights advocate, you can help the Hindu women and girls who are kidnapped and forced into marriage and conversion.

If you are a strong advocate for the abolition of hate-speech, you can help the Hindus in Russia gain further protection.

If you are a strong advocate of independent judiciaries and fair trials, you can help the Hindus in Pakistan and Bangladesh to be properly respected in law and by authorities, and for their attackers to not be treated with impunity.

If you are a strong advocate of refugee rights, you can help the Hindus in Bangladeshi refugee camps who are not receiving adequate aid.

In short, what I would like to stress is that everyone can play a role in helping the Hindus who are in need.

Thank you again, I wish you all a very happy Diwali."

OSCE/ODIHR and EU Institutions hold Joint Day of Action against Antisemitism and Anti-Muslim Hatred and Discrimination

OSCE (31.05.2017) - <http://bit.ly/2rEb9gh> - Representatives of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and European Union bodies, as well as from civil society groups came together today in Brussels for a Joint Day of Action against Antisemitism and anti-Muslim hatred and discrimination.

The day, organized by ODIHR, the European Commission (EC), European External Action Service (EEAS) and the European Parliament Anti-Racism and Diversity Intergroup (ARDI) and in co-operation with the European Parliament Working Group on Antisemitism (WGAS) and the European Union of Jewish Students (EUJS), included workshops, presentations and discussions focusing directly on current issues related to Antisemitism and anti-Muslim hatred and discrimination.

The Joint Day began with a public discussion in the European Parliament (EP) that brought together MEPs, media professionals, researchers and Muslim community representatives to analyse and discuss the portrayal and participation of Muslims in the media.

Sajjad Karim MEP, Vice-President of the European Parliament Anti-Racism and Diversity Intergroup (ARDI) said *"Today's Joint Day of Action has been a great exercise in raising awareness of the portrayal and participation of Muslims in the media. Bringing together so many different stakeholders and representatives has led to a truly rewarding discussion. Following last week's cowardly attack in Manchester, it is important now, more than ever, that we counter hate speech and biased coverage of communities targeted by racism, discrimination and intolerance. However, it is just as vital that we do not endanger freedom of expression. I hope that today's debate will encourage this by allowing closer co-operation between civil society on developing measures which are effective against both hate speech and for freedom of expression."*

Another session in the EP entailed a public presentation of ODIHR's new publication, *Understanding Anti-Semitic Hate Crimes and Addressing the Security Needs of Jewish Communities – a Practical Guide*". The publication lists practical steps that governments, in co-operation with Jewish communities, can undertake to prevent and respond to Antisemitic hate crimes and better address the security needs of Jewish communities.

Mairead McGuinness, MEP and First Vice-President of the European Parliament, said *"when it comes to our Jewish communities today, respect for their human dignity - a fundamental European value - is sadly lacking in many places, and in many ways. We must tackle this through education, through communication, and through working with groups and individuals susceptible to anti-Semitic ideas. But we must also ensure that public authorities take the necessary steps to ensure the safety and security of our Jewish communities."*

At another event, the Institute for Jewish Policy Research (IJPR) presented the findings of a new study, commissioned by ODIHR, on the specific impact of Antisemitism on Jewish youth. The study reveals that young women and men are particularly affected by Antisemitism and are more likely to experience verbal Antisemitic insults or harassment and physical attacks, to witness Antisemitic attacks or experience Antisemitic discrimination, or to be threatened in person, attacked online or followed in a threatening way because they are Jewish.

Later in the day a joint roundtable organized by the European Commission and ODIHR and hosted at the Commission's headquarters brought together civil society organizations working specifically on the issue of anti-Muslim hatred and discrimination.

"Today's Joint Day of Action serves as an opportunity to remind us that concrete and urgent action is needed to ensure that manifestations of all forms of intolerance do not tear at the fabric of social stability across the OSCE region" said Cristina Finch, Head of ODIHR's Tolerance and Non-Discrimination Department. *"While the primary responsibility for addressing acts of intolerance and discrimination rests with participating States, including their political representatives, it is important to stress that initiatives addressing*

these issues are more effective when a broad range of actors are involved in the process, including the media and civil society."

The Joint Day coincided with the Muslim holiday of Ramadan and the Jewish holiday of Shavuot and concluded with an interfaith dinner at the European Jewish Community Center that brought together activists working on issues of Antisemitism and intolerance against Muslims to discuss joint approaches to addressing intolerance and discrimination.

Frans Timmermans, First Vice-President of the European Commission concluded: *"Combating racism, xenophobia and intolerance goes to the heart of our common European project. By coming together today, the Jewish and Muslim communities are sending out a strong signal that there is no harbour for hate or discrimination in their communities. For history teaches us that hatred against one minority often spills over to others. Our Coordinators on combating Antisemitism and anti-Muslim hatred ensure that the concerns and ideas of these communities are heard loud and clear. Over the past three years, we have also stepped up our close cooperation with international institutions – such as ODIHR and the Council of Europe – which are doing great work in this field. In this spirit, I warmly welcome today's Joint Day of Action."*

4 steps to make the EU a human rights champion

By Sophia Kuby

Freedomofthought.blogactiv.eu (03.04.2017) - <http://bit.ly/2o6NCBP> - If the EU is serious about its commitment to peace, democracy, and human rights, it has to step up its efforts on freedom of religion or belief. This can only be done meaningfully by establishing an EU Special Representative on Freedom of Religion or Belief.

25 years ago, in the founding Treaty of the EU (the Maastricht Treaty), the EU officially decided to protect and promote human rights in the world. This included freedom of religion or belief. It is a fundamental human right protected by all the major human rights treaties.

Since 1992 however, the EU has floundered in this commitment and it took more than 20 years to take any other significant steps on religious freedom. In June 2013, the Foreign Affairs Council agreed on the EU Guidelines on the promotion and protection of freedom of religion or belief in the world. The Guidelines read as a detailed operating manual for EU officials in Brussels and across the globe.

With the Guidelines, the EU committed to raise the issue of religious freedom through public diplomacy: through high-level contacts, the EU Special Representative for Human Rights, and through regular political dialogue with third countries. In addition, the human rights country strategies, official country visits, as well as the weight of the EU's voice at the UN, were agreed upon as important avenues to promote freedom of religion or belief.

The Guidelines demonstrate a serious commitment to freedom of religion and belief. They even make the protection of religious freedom a condition for economic and political collaboration with the EU. However, there have been no institutional adjustments to follow through with these self-imposed obligations. A first evaluation report was due in 2016 but has not yet been published and no date for publication has been announced.

The many avenues, instruments, and mechanisms that exist in the EU structures for promoting freedom of religion or belief are both a blessing and a curse. On the one hand, the existing structures offer excellent avenues through which religious freedom can be promoted in the world. On the other hand, to mainstream, a concern for freedom of religion or belief requires a strategic use of many institutional avenues in parallel. To use

a metaphor, it needs a conductor of the polyphonic orchestra that the EU is in order to strike a better and more co-ordinated tone on religious freedom. A commitment made on paper may be neglected if no one is responsible for pulling the strings together and can be held accountable for the results.

The current situation is as if all elements for an effective protection of freedom of religion or belief in the EU's external policy were there, but there is no one to put the puzzle together in a coherent way. Without a central position that has the necessary clout to pull all the pieces together, the implementation of the obligations laid out in the Guidelines has proven and will remain, impossible.

In May 2016, at the height of the crisis in the Middle East, and following a European Parliament resolution on the systematic mass murder by ISIS, the position of a Special Envoy for the promotion of freedom of religion or belief outside the EU was created. This was an important, albeit insufficient, development in making the EU's commitment more concrete.

Unfortunately, the mandate is exceptionally weak. While the first ten months have allowed the Special Envoy to gain significant visibility as the representative of the EU for all religious freedom-related matters, his position is not an institutional one. He is a special advisor to the Commissioner for International Cooperation and Development. The mandate originally came with no staff nor budget, and it is limited to a one-year term.

At the close of the one-year term of this Special Envoy, and in light of the fundamental importance of freedom of religion, the EU cannot afford to ignore the growing, critical need to address religious freedom matters adequately and coherently.

Here is how the EU can act, right now, to champion the human rights that it has vowed to protect:

1. **Establish a Special Representative on freedom of religion and belief as an institutional position similar to the nine existing Special Representatives.** Following the EU resolution of 4 February 2016, it would be appropriate to turn the position into an EU Special Representative for Freedom of Religion or Belief, reporting directly to the High Representative for Foreign Affairs and Security Policy and the Foreign Ministers' Foreign Affairs Council (FAC). The position needs to become a central part of the EU's foreign relations system. The work should be closely coordinated with the EU Special Representative for Human Rights in order to guarantee the essential link between religious freedom and Human Rights.
2. **Properly fund the office.** An EU position on the promotion and protection of freedom of religion or belief requires the necessary clout to maneuver a complex and heavy institutional structure. It should make religious freedom a priority in the EU's external action. This is only achievable with a well-equipped office, a serious working budget (comparable to that of other EU Special Representatives), and institutional authority.
3. **Guarantee sufficient capacity.** Financial and human resources would need to be allocated to effectively monitor freedom of religion or belief in third countries. The position needs to be able to conduct regular country visits, make religious freedom-related proposals within the European External Action Service (the EU's diplomatic service) and, most importantly, issue concrete recommendations and policy actions.
4. **Affirm diplomatic credibility.** The position should be given the necessary standing and political weight to be able to engage in regular high-level dialogues with political decision makers, and officials at embassies, consulates, and EU missions.

This would be at least a serious effort to mainstream the concern of religious freedom, implement the Guidelines, and live up to what the EU aspires to be: a champion on the protection of human rights in the world.

Open letter from the European Platform against Religious Intolerance and Discrimination (EPRID) to the Presidents of the European Council, European Parliament and the European Commission regarding the continued mandate of European Special Envoy

EPRID (22.03.2017) - <http://bit.ly/2nu0AY5> -

Mr Donald Tusk, *President of the European Council*

Mr Jean-Claude Juncker, *President of the European Commission*

Dr Federica Mogherini, *High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission*

Mr Neven Mimica, *Commissioner on International Cooperation and Development*

Re: The continuation and strengthening of the European Union mandate of Special Envoy on Freedom of Religion or Belief

Dear Sirs and Madam, EPRID is a diverse network of civil society organisations including religious and non-religious (nonconfessional) associations operating at the European level. The objective of EPRID is to collectively promote freedom of religion or belief in the world as defined in the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and other international human rights instruments. Its membership comprises the organisations identified in its website at: <http://www.eprid.eu/members/>

At its recently held annual general meeting, the members of EPRID unanimously resolved to express support for the continuation of the mandate of the Special Envoy for the promotion of freedom of religion or belief outside the European Union. EPRID expresses that support by way of this open letter.

Each of the members of EPRID have had association with the current Special Envoy and have been impressed by Dr Ján Figel's considerable achievements in his efforts to promote the principles of FoRB in several regions of the world all in a relatively short time.

Indeed, in the current international climate of persecution and diminution of the basic freedoms of religion, belief and expression, the continuation of an informed and articulate voice on behalf of Europe is necessary. However, EPRID members are concerned that the true potential of the mandate has been constrained by:

- limitations in resources;
- institutional connection and authority;
- the shortness of the period of the mandate.

EPRID is conscious that the mandate is a new one and thus without precedent within the European Union. It is with this recent creation of the role in mind that EPRID couples its recommendation for continuation with other recommendations and observations on how the mandate may be optimised to achieve its purposes. None of the matters raised by way of recommendation are intended to delay the renewal of the mandate. We hope that the points made in this letter might form part of the EU's considerations in how the role could meaningfully grow. EPRID notes, for example, the EU considerable potential influence in the area of FoRB upon trading partners. This may be a matter that could form part of the brief to the Special Envoy.

EPRID's recommendations and observations are the following.

First, a clear and workable EU Strategy on FoRB with respect to third countries must be developed in consultation with both the Special Envoy and civil society. This strategy should then inform the role of the mandate holder. With such a strategy in place, the Special Envoy could more readily prioritise the issues and third countries.

Secondly, given the importance of the mandate, it is equally important that the person appointed is both in possession of and seen to be vested with real institutional credibility and power. We propose that this person should be given a double hat and placed both within the European Commission, but also within the EEAS, in a position made directly responsible to the cabinet of the High Representative/Vice-President. In this respect, consideration could be given to the following improvements: the title of the office might be changed to that of 'EU Special Representative on Freedom of Religion or Belief'; and, the functions of the office might be formally connected with the EU's responsibilities under Article 9 of the European Convention on Human Rights and Article 18 of the International Covenant on Civil and Political Rights. We find that it is important that this position is grounded in both institutions as there are implications of this work for, amongst others, DG development, DG Near and DG Trade. It will be through appropriate normative and structural connection with the other priority areas of the EU that the mandate will succeed in supporting work done in humanitarian aid, refugees and dealing with conflict in the Middle East.

Thirdly, if the mandate is to be successfully performed, there must be adequate allocations of budget and staffing. The allocations must take account of the needs for liaison with internal EU institutions and policy areas, the training and support of EU delegations tasked with the promotion of FoRB, the implementation of the EU Guidelines on the promotion of freedom of religion or belief and continued dialogue with civil society. Without adequate allocation of resources, the mandate has the potential to fail over time or, possibly worse, for it to lapse into window dressing and tokenism at a time when real action is required of the EU.

Fourthly, and for similar reasons, it is also important that the mandate be for ongoing periods of three or four years, so that each appointee has sufficient time to implement projects in accordance with EU priorities.

EPRID thanks the leaders of the EU institutions for their attention to the matters raised in this letter. If there is any matter that requires elaboration or explanation, EPRID and its constitutive members are ready to discuss those matters either in writing or in meetings. Yours sincerely,

Ms Penelope Faulkner – Que Me: Vietnam Committee on Human Rights

Dr Susan Kerr – Christian Solidarity Worldwide

Mr Christel Ngnambi – European Evangelical Alliance EPRID Board of Coordinators

European court rules employers can ban women from wearing Islamic headscarves and religious symbols

Judges find workplace rules governing all political and religious clothing is not discriminatory

By Lizzie Dearden

The Independent (14.03.2017) - <http://ind.pn/2nog3IH> - The European Court of Justice has ruled that companies can ban employees from wearing the Islamic headscarf, but only as part of prohibitions including other religious and political symbols.

It is the first case of its kind amid a series of legal disputes over the right for Muslim women to wear the hijab at work.

"An internal rule of an undertaking which prohibits the visible wearing of any political, philosophical or religious sign does not constitute direct discrimination," the court said in a statement.

"However, in the absence of such a rule, the willingness of an employer to take account of the wishes of a customer no longer to have the employer's services provided by a worker wearing an Islamic headscarf cannot be considered an occupational requirement that could rule out discrimination."

The Luxembourg-based court found that a headscarf ban may also constitute "indirect discrimination" if people adhering to a particular religion or belief, such as Muslims, are put at a particular disadvantage.

But indirect discrimination is permissible if it is "objectively justified by a legitimate aim", such as a company's policy of neutrality, provided that the means of achieving it are appropriate and necessary.

François Fillon, the conservative candidate in the French presidential election, hailed the ruling as "an immense relief" that would contribute to "social peace".

But a campaign group backing the women said it could shut many Muslim women out of the workforce and European rabbis said the court had worsened rising hate crime by sending a message that "faith communities are no longer welcome".

The president of the Conference of European Rabbis, Chief Rabbi Pinchas Goldschmidt, said: "This decision sends a signal to all religious groups in Europe."

The United Sikhs advocacy group said the "disturbing" ruling allowed employers to override fundamental human rights.

Mejindarpal Kaur, the group's international legal director, said that although the ECJ only allowed for rules with "legitimate aims", "we fear that employers will treat it as a licence to discriminate at the point of hire".

Amnesty International welcomed the ruling on the French case that "employers are not at liberty to pander to the prejudices of their clients" but said bans on religious symbols opened "a backdoor to precisely such prejudice".

Two employees in Belgium and France had brought the case to the ECJ after being dismissed for refusing to remove their headscarves, which did not cover the face.

The Belgian woman had been working as a receptionist for G4S Secure Solutions, which has a general ban on wearing visible religious or political symbols, while the French claimant is an IT consultant who was told to remove her headscarf after a client complained.

The G4S dispute, which started in 2006, was originally based on an "unwritten rule" banning employees wearing signs of their political, philosophical or religious beliefs, and the company's workplace regulations were not updated until a day after the woman started wearing a hijab.

Although they apply to all beliefs, the ECJ said it was "not inconceivable" that such rules could be deemed indirect discrimination for targeting Islam over other religions and referred the issue back to the Belgian Court of Cassation.

The French claimant, a design engineer for Micropole, was asked to stop wearing her headscarf to maintain neutrality after a client's complaint but refused and was dismissed.

The ECJ referred the case back to the French Court of Cassation to establish whether the move was a "genuine and determining occupational requirement" and whether there were any formal rules in place that meet non-discrimination requirements.

The court's advocate general recommended that companies should be allowed to prohibit headscarves as long as a general ban on other symbols was in place, theoretically applying to Sikh turbans, Jewish kippas and Christian crucifixes.

Their advice in the French case was that a rule banning employees from wearing religious symbols when in contact with customers was discrimination, particularly when it only applied to Islamic headscarves.

Jonathan Chamberlain, an employment lawyer at Gowling WLG, said the decision brings the EU into line with what has been the UK's approach for several years.

"For example, it's fine for employers to have a dress code but it needs to be applied with some sensitivity and flexibility to take account of religious beliefs," he added.

"What is almost certainly never OK is for an employer to tell an employee to stop wearing a religious symbol because a particular customer has asked for it."

The Open Society Justice Initiative, a group backed by the philanthropist George Soros which had supported the women, said it was disappointed by the ruling.

A spokesperson said it "weakens the guarantee of equality that is at the heart of the EU's anti-discrimination directive".

Maryam Hmadoun, the initiative's policy officer, said: "In many member states, national laws will still recognise that banning religious headscarves at work is discrimination.

"But in places where national law is weak, this ruling will exclude many Muslim women from the workplace."

The Open Society Justice Initiative said all future cases on religious discrimination in workplaces inside the EU will be government by the ruling, which it feared would strengthen wider attempts at headscarf bans.

"When an employer singles out religious clothing this is direct discrimination, and such an aim is not neutral," a statement said.

"The supposed 'neutrality' is really discrimination, making the false claim that employers who allow staff to wear the headscarf are in some way not neutral."

The ruling, which sets an EU-wide precedent, came a day before the Netherlands' parliamentary elections, which have been dominated by issues of integration and identity.

Dutch MPs voted in support of a partial ban on full-face Islamic veils last year, but no law has yet been implemented, while prohibitions have been implemented in countries including France, Belgium and Bulgaria, and are being considered in Germany.

Attempts by local authorities in the French Riviera to ban so-called "burkinis" worn by Muslim women and impose fines generated fresh debate last year and have since been repealed by courts.

Press release of the European Court of Justice

<http://curia.europa.eu/jcms/upload/docs/application/pdf/2017-03/cp170030en.pdf>

European Court of Justice rules against the wearing of the headscarf in the private sector

European Parliament Anti-Racism and Diversity Intergroup (ARDI) (14.03.2017) - <http://bit.ly/2lZsRIR> - The European Court of Justice (ECJ) issued a ruling against two women employees who were dismissed because they wore the headscarf. "*An internal rule of an undertaking which prohibits the visible wearing of any political, philosophical or religious sign does not constitute direct discrimination,*" the court said in a statement. "*However, in the absence of such a rule, the willingness of an employer to take account of the wishes of a customer no longer to have the employer's services provided by a worker wearing an Islamic headscarf cannot be considered an occupational requirement that could rule out discrimination.*"

The Court also ruled that a ban may also constitute "*indirect discrimination*" if people adhering to a particular religion or belief were specifically targeted. The Court added that indirect discrimination is permissible if it is "*objectively justified by a legitimate aim,*" such as a company's policy of neutrality, as long as the means of achieving it are appropriate and necessary.

The two cases concern two female Muslim employees in Belgium and France who had been dismissed for refusing to remove their headscarves, which did not cover the face.

The Belgian woman had been working as a receptionist for G4S Secure Solutions, which has a general ban on wearing visible religious or political symbols, while the French claimant is an IT consultant who was told to remove her headscarf after a client complained.

The case of the Belgian women stems from an "unwritten rule" where G4S banned employees from wearing signs of their political, philosophical or religious beliefs, although the company only updated its workplace regulations the day after the woman started wearing a hijab.

Although they rules apply to all beliefs, the ECJ said it was possible that such rules could be deemed indirect discrimination for targeting Muslims or other religious groups with visible manifestations of their faith and referred the issue back to the Belgian Court of Cassation.

Soraya Post, Co-President of ARDI, said: *“I welcome the decision that employers are not now allowed to pander to the prejudices of their clients. However at a time of increasing hate crimes against Muslims, this ruling sends the wrong signal and will lead to only further direct and indirect discrimination against Muslims both in the labour market and in society at large. Muslim women already face high levels of discrimination and difficulties in accessing the labour market according to the European Network Against Racism’s Forgotten Women project and this decision will prevent more Muslim women from being able to access the labour market. Moreover in countries where national law doesn’t provide appropriate safeguards, this ruling opens a Pandora’s Box and will result in many Muslim women and those who wear visible manifestations of their faith being fired under the guise of neutrality. This is anything but neutrality.”*

Sajjad Karim, Vice-President of ARDI, said: *“Today’s ruling in effect makes Muslim women and people from other religious groups have to choose between their fundamental right to religious expression and access to the labour market. This is unacceptable and will only isolate people with religious convictions who wish to express their belief.”*
