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## **DRAFT REPORT**

on EU Guidelines and the mandate of the EU Special Envoy on the promotion of freedom of religion or belief outside the EU  
(2018/2155(INI))

Committee on Foreign Affairs

Rapporteur: Andrzej Grzyb

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### **on EU Guidelines and the mandate of the EU Special Envoy on the promotion of freedom of religion or belief outside the EU (2018/2155(INI))**

*The European Parliament,*

- having regard to the international legal protection of freedom of religion or belief guaranteed by Article 18 of the 1948 Universal Declaration of Human Rights (UDHR), Article 18 of the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1981 Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on Religion or Belief, Article 9 of the European Convention on Human Rights and Articles 10, 21 and 22 of the Charter of Fundamental Rights of the European Union,
- having regard to the United Nations Human Rights Council Comment No 22 of 30 July 1993 on Article 18 of the 1948 UDHR and to its Resolution 16/18 of 12 April 2011 on combating intolerance, negative stereotyping and stigmatisation of, and discrimination, incitement to violence and violence against, persons based on religion or belief,
- having regard to Article 21 of the Treaty on European Union,
- having regard to Article 17 of the Treaty on the Functioning of the European Union,
- having regard to the Council conclusions of 21 February 2011 on intolerance, discrimination and violence on the basis of religion or belief,
- having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy, adopted on 25 June 2012 by the Council, and the 2015-2019 EU Action Plan on Human Rights and Democracy,
- having regard to the EU Guidelines of 24 June 2013 on the promotion and protection of freedom of religion or belief,
- having regard to the European Parliament recommendation of 13 June 2013 on the draft EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief<sup>1</sup>,
- having regard to the European Parliament resolutions of 20 January 2011 on the situation of Christians in the context of freedom of religion<sup>2</sup>, 4 February 2016 on the systematic mass murder of religious minorities by the so-called ‘ISIS/Daesh’<sup>3</sup> and 14 December 2017 on the situation of the Rohingya people<sup>4</sup>,
- having regard to the European Parliament resolution of 9 July 2015 on the EU’s new approach to human rights and democracy – evaluating the activities of the European

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<sup>1</sup> OJ C 65, 19.2.2016, p. 174.

<sup>2</sup> OJ C 136E, 11.5.2012, p. 53.

<sup>3</sup> Texts adopted, P8\_TA(2016)0051.

<sup>4</sup> Texts adopted, P8\_TA(2017)0500.

Endowment for Democracy (EED) since its establishment<sup>5</sup>, and in particular its paragraphs 27 and 28,

- having regard to the European Parliament resolutions of 14 December 2016<sup>6</sup> and of 23 November 2017<sup>7</sup>, respectively on the Annual Reports for 2015 and 2016 on human rights and democracy in the world and the European Union’s policy on the matter, with regard to 2015, in particular paragraph 14 of the 2016 resolution and with regard to 2016, in particular paragraph 8 of the 2017 resolution,
  - having regard to the ‘Rabat Plan of Action’ published on 5 October 2012 by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,
  - having regard to the mandate of the Special Envoy on the promotion of freedom of religion or belief outside the EU,
  - having regard to Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide<sup>8</sup>,
  - having regard to the Council conclusions of 19 May 2014 on a rights-based approach to development cooperation, encompassing all human rights, and to the Commission Staff Working Document of 30 April 2014 entitled ‘Tool-box – A rights-based approach encompassing all human rights for EU development cooperation’ (SWD(2014)0152),
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A8-0000/2018),
- A. whereas the right to freedom of religion or belief (FoRB) is a human right inherent to all human beings and a fundamental right of individuals which should be subjected to no kind of discrimination, as enshrined by international and European founding texts, including the Universal Declaration of Human Rights and the Charter of Fundamental Rights of the European Union;
- B. whereas FoRB implies the right of the individual to choose what to believe, the right to change one’s religion and convictions without any constraints, and the right to practise and manifest the religion of one’s choice, whether individually or in community and whether in private or in public; whereas the manifestation of religion or belief can be expressed in worship, teaching, practice and observance; whereas FoRB entails the right of believers’ communities to preserve their ethos and to act in accordance with it, and the entitlement for their religious organisations to have recognised legal personality; whereas protecting individuals adhering to any religion or none and effectively addressing violations of FoRB, such as discrimination or legal restrictions based on religion or belief, are primordial conditions to ensure that individuals may enjoy FoRB

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<sup>5</sup> Texts adopted, P8\_TA(2015)0274.

<sup>6</sup> Texts adopted, P8\_TA(2016)0502.

<sup>7</sup> Texts adopted, P8\_TA(2017)0494.

<sup>8</sup> OJ L 77, 15.3.2014, p. 85.

on an equal basis;

- C. whereas FoRB is indivisible, is interdependent on and interrelated to fundamental freedoms and other human rights, and is a cornerstone human right that protects the core of human dignity;
  - D. whereas FoRB directly contributes to democracy, development, the rule of law, peace and stability; whereas violations of FoRB are increasingly widespread, affect people in all parts of the world and may exacerbate intolerance, often constituting early indicators of potential violence and conflicts;
  - E. whereas, according to Article 21 TEU, the EU promotes and defends the universality and indivisibility of human rights and fundamental freedoms and respect for human dignity as part of the guiding principles of its foreign policy;
  - F. whereas, in pursuit of the objective of advancing FoRB through the EU's foreign policy, the Council adopted in June 2013 the EU Guidelines on the promotion and protection of freedom of religion or belief, and in May 2016 the Commission appointed the first Special Envoy for the promotion of FoRB outside the EU, for a one-year mandate which has since been twice renewed on a yearly basis;
  - G. whereas the EU has promoted FoRB, at international level and through multilateral fora, in particular by taking the lead on thematic resolutions on FoRB at the UN General Assembly (UNGA) and the UN Human Rights Council (UNHRC) and supporting the mandate of and engaging with the UN Special Rapporteur on FoRB, but also through cooperation with those third countries that have similar FoRB guidelines and special envoys, such as the United States;
  - H. whereas the promotion of FoRB, including through civil society support for the protection of the rights of individuals belonging to religious and belief minorities, support for human rights defenders (HRDs) and the fight against discrimination on grounds of religion and belief, as well as the promotion of intercultural and interreligious dialogue, is a funding priority under the 2014-2020 European Instrument for Democracy and Human Rights (EIDHR); whereas the European Development Fund (EDF) and EU financial instruments such as the Development Cooperation Instrument (DCI), the European Neighbourhood Instrument (ENI), the Instrument contributing to Stability and Peace (IcSP) and the Instrument for Pre-Accession Assistance (IPA) have also supported projects that are conducive to improving the environment for FoRB;
1. Stresses that religion or belief is an important undeniable pillar of human identity, greatly impacting individuals and societies, and is therefore a reality that must not be neglected or denied in policies but requires proper recognition and addressing;
  2. Affirms that the right to freedom of thought, conscience and religion, commonly referred as freedom of religion or belief (FoRB), as a fundamental human right and a founding value of the EU, has to be duly protected, promoted and safeguarded by all actors; underscores the duty of states to guarantee FoRB in order to preserve peaceful, democratic and pluralistic societies that are respectful of diversity and beliefs;
  3. Expresses its deep concern at the fact that recent years have seen a dramatic rise in

violations of FoRB worldwide, including persecution based on religion or belief; stresses that these violations are frequently at the root of or increasingly exacerbate wars or other forms of armed conflict, resulting in violations of humanitarian law, including mass murders or genocide; stresses that violations of FoRB undermine democracy, impede development, and negatively affect the enjoyment of other fundamental freedoms and rights; emphasises that this obligates the international community, the EU and its Member States to reaffirm their determination and strengthen their actions in promoting FoRB;

4. Stresses that, in accordance with Article 21 TEU, the EU and its Member States have pledged to enhance respect for human rights, as a principle guiding EU foreign policy; strongly welcomes the fact that the 2013 EU Guidelines mainstream this fundamental freedom into EU foreign policy and external actions, and in this regard calls for its further strengthening;
5. Stresses that, in accordance with Article 17 TEU, the EU is committed to maintaining open, transparent and regular dialogues with churches and religious, philosophical and non-confessional organisations; highlights the supporting effect of these dialogues for respect for other human rights, equal rights for women, children's rights, as well as for democracy, development, the rule of law, good governance, peace and stability, and environmental and labour standards; stresses that such interreligious and intercultural dialogues are often met by greater openness by some EU international partners and create a starting-point for progress in other areas;

#### ***EU strategy to promote and protect FoRB through international relations and cooperation***

6. Welcomes the enhancement of the promotion of FoRB in EU foreign policy and external actions over recent years, in particular through the EU Global Strategy for foreign policy and security and the 2015-2019 EU Action Plan on Human Rights and Democracy; welcomes the fact that this enhancement is being met with an increased commitment on the part of many partner countries to comply with the respective Articles 18 of the UDHR and ICCPR;
7. Commends the creation of the post of Special Envoy for the promotion of FoRB outside the EU in 2016 by the President of the Commission, in response to the resolution of Parliament of 4 February 2016; considers the appointment of the Special Envoy as an important step forward and a clear recognition of FoRB as one of the core parts of the human rights agenda of EU foreign policy and external actions, both bilateral and multilateral, and within development cooperation; praises the Special Envoy for his continuous engagement and cooperation and complementarity of actions with the EU Special Representative for Human Rights on this issue, including the promotion of the EU Guidelines; commends the Commissioner on International Cooperation and Development, together with the Commission's DG DEVCO, for actively supporting the Special Envoy;
8. Stresses the importance of linking up efforts to promote FoRB and inter- and intra-religious dialogues with the prevention of violent extremism on a complementary and mutually reinforcing basis, in particular within neighbouring and other countries with which the EU has special relations;

9. Deplores the fact that some countries have, enforce or seek to introduce penal laws providing punishment for blasphemy, conversion or apostasy, including the death penalty; also draws attention to the situation of some other countries facing or being at risk of conflicts of a religious dimension; calls for the EU to prioritise in its foreign policy efforts towards all the countries concerned with a view to the repeal of such discriminatory laws;

***Special Envoy for the promotion of freedom of religion or belief outside the EU***

10. Welcomes the fact that the Special Envoy has developed effective working networks within the Commission, the Council, and the European Parliament, as well as with other stakeholders; deplores, however, the fact that the Special Envoy's mandate was not established and consolidated with sufficient human and financial resources;
11. Calls on the Council and the Commission to strengthen the Special Envoy's institutional mandate and capacity, by earmarking funding and human resources adequate to the Envoy's duties, developing a systemic institutionalisation of working networks established by the Special Envoy within all relevant EU institutions or establishing the position of the EU Special Representative for FoRB;
12. Calls on the Council and the Commission to reflect on creating the EU Special Representative for FoRB; considers that the competences and mandate of this Special Representative should include:
  - a) enhancing the visibility, effectiveness, coherence and accountability of the EU's FoRB policy outside the EU;
  - b) providing the European Parliament, the Council, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and the Commission with an annual progress report and a comprehensive implementation report on the mandate at the end thereof;
  - c) working in close cooperation with the Council Working Group on Human Rights (COHOM);
  - d) being a high-level interlocutor for his or her counterparts in third countries and at international organisations, also able to engage with the UN (UNGA, UNHRC, etc) as well as relevant regional organisations;
  - e) chairing high-level dialogues on FoRB and interreligious and intercultural issues and leading consultations with third countries on FoRB issues;
13. Calls for the term of office of the Special Envoy to be extended to a multi-year term, corresponding to the term of the Commission;
14. Recommends that the title and mandate of the Special Envoy visibly include the promotion of interreligious dialogue and interfaith cooperation;
15. Recommends the setting up of a regular advisory working group of Member States' FoRB institutions and European Parliament representatives together with experts,

scholars, and representatives of civil society, including churches and other faith-based organisations, providing advice on FoRB issues to assist the Special Envoy;

16. Recommends that the Special Envoy further develop cooperation with counterparts outside the EU, in particular by working in close cooperation with the UN Special Rapporteur on FoRB, as well as exploring the possibility of EU-UN joint annual reporting on discrimination against religious minorities, also formulating common proposals on how to put an end to such acts;

### ***EU Guidelines on the promotion and protection of freedom of religion or belief***

17. Considers that the EU Guidelines present a clear set of political lines, principles, norms and themes for priority actions, as well as a toolkit for monitoring, assessing, reporting and demarches by any EU representatives in third countries, that constitute a solid strategic approach for the EU and its Member States to exert an efficient role in promoting FoRB outside the EU;
18. Urgently calls for the implementation of the EU Guidelines on FoRB to be increased in intensity and effectiveness; notes that further dedicated efforts need to be made by the EU and its Member States to implement more effectively the EU Guidelines and make the EU more influential in advancing FoRB worldwide; stresses that understanding how societies may be shaped and influenced by religions and other beliefs is instrumental to better comprehending the promotion of FoRB in EU foreign policy and international cooperation;
19. Commends, in this respect, the efforts made to date by the EEAS and the Commission to provide training on religious literacy to EU officials and national diplomats; stresses, however, the need for broader and more systematic training programmes which would raise awareness of and increase the use of the EU Guidelines among the EU's and Member States' officials and diplomats and strengthen cooperation with the Special Envoy; asks for churches and religious communities and associations to be involved in this training process; calls on the Commission and the Council to earmark resources for establishing such training programmes;
20. Calls on the Commission and the EEAS to produce EU Annual Reports on FoRB in the world, to be communicated to the European Parliament and the Council; notes that the EU Guidelines provide for an evaluation of their implementation by COHOM after a period of three years, and that no such evaluation has been communicated or made public; calls for the evaluation to be made public without delay; considers that the evaluation should highlight best practices, identify areas for improvement, and provide concrete recommendations on implementation in accordance with a specified timeline and milestones subject to regular annual evaluation; calls for the evaluation to be included in the EU Annual Reports on FoRB in the world;
21. Underlines the responsibilities fulfilled by human rights focal points within all EU Delegations and CSDP Missions; calls for the designating of FoRB-specific focal points in every EU Delegation and CSDP Mission; calls for more resources to be allocated to EU Delegations and CSDP Missions so as to allow them to carry out their work of promoting FoRB;



22. Recalls the importance of human rights country and democracy strategies (HRDCSs), which tailor EU action to each country's specific situation and needs; calls for adequate attention to be paid to FoRB-related issues, with lines for EU action being drawn up so that they can be tackled under the HRDCSs wherever respect for FoRB is endangered; reiterates its call for Members of the European Parliament to be given access to the content of HRDCSs;

#### ***EU actions on FoRB in multilateral fora***

23. Welcomes the EU commitment to promoting FoRB in multilateral fora, in particular within the UN, the Council of Europe and the OSCE and with the Organisation of Islamic Cooperation (OIC); supports, in this respect, EU cooperation with the UN Special Rapporteur on freedom of religion or belief, and the Office of the UN High Commissioner for Human Rights; recommends continuing the EU practice of taking the lead on resolutions at the UNGA and UNHRC on FoRB and seeking to build alliances and defend common positions with third countries and international organisations; calls on the EEAS and the OIC to consider preparing a joint resolution on FoRB within the UN framework;

#### ***EU financial instruments***

24. Expresses its satisfaction that FoRB is identified as a priority of the European Instrument of Democracy and Human Rights (EIDHR); welcomes the significant increase of EIDHR funding allocated to FoRB-related projects since the adoption of the EU Guidelines; calls on the Commission and the EEAS to ensure that EU diplomatic work for the promotion of FoRB and EIDHR-funded projects is mutually reinforcing; stresses that FoRB can also be supported by other instruments than human rights-oriented funds, among others those dedicated to the conflict prevention dimension or to education and culture; calls on the Commission and the Council to maintain sufficient funding for FoRB-related projects under the EU external financial instruments, within the Multiannual Financial Framework (MFF) for 2021-2027;
25. Stresses that the EU's policies in the fields of peace, security and conflict prevention and development and cooperation face challenges, for which solutions can be devised with the participation of churches, religious leaders, academics, religious communities and associations or faith-based organisations that are a critical part of civil society; acknowledges the importance of being mindful of the diversity of churches, religious communities and associations and faith-based organisations which perform actual development and humanitarian work for and with communities; calls on the Council and the Commission to incorporate, where relevant, objectives and activities relating to the promotion and protection of FoRB into the programming of funding instruments linked to those policies, namely the EDF, the DCI, the ENI, the IcSP and the IPA;
26. Instructs its President to forward this resolution to the Council and the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EEAS, the governments and parliaments of the Member States and the United Nations.