EUROPEAN POLICYBRIEF

RELIGARE
Religion and State support - Innovative Approaches to Law and Policy

October 2013

INTRODUCTION

The growing religious diversity in European societies poses important policy challenges in various domains of social life. A new, plural religious landscape commits European states not only to coping with inhabitants belonging to different strands of Christianity, Islamic and Jewish minorities, as well as with humanists, agnostics, atheists, but in many instances also with a 'super-diverse' range of other religious cultures and traditions which have emerged in Europe by way of immigration and conversion.

Within the RELIGARE research project, the focus is on **four social domains,** where both acute and chronic challenges have arisen and responses have been formulated, namely t**he family, the labour market, the public space and the State's support to religions.**

While all European countries present interesting examples of responding to religious diversity under State law, ten countries form the geographical focus of this project: Belgium, Bulgaria, Denmark, France, Germany, Italy, the Netherlands, Spain, UK, and Turkey. The constitutional models in these countries illustrate the diverse historical experiences and legal approaches to organised religion: ranging from the French *laicité* model, via various selective cooperation models without an established religion, to countries with established churches and *state churches* (Denmark, United Kingdom).
These countries also reflect different degrees of experience with religious pluralism in society:

Mono-religious ----------dominant vs. small religions ----------plurality		
Denmark Italy	Belgium	Germany Netherlands
Spain Turkey	Bulgaria	United Kingdom

This policy brief addresses a traditional aspect of religion-state relations: *state support* for religions, the situation where the state is acting as the paymaster of religious communities, for some or all its expenses or where the state is accommodating the self-financing capacity of religious groups by

offering them indirect support via tax exemptions and tax deductions. State support regimes were inherited from conflicts of the past and are still witnessing old equilibria between states and majority churches.

The different state support systems in force in EU Member States are challenged, as a consequence of the changes in the religious fabric of the European countries in the 20th century, and are not always capable of accommodating the new diversities.
New religious groups or new non-religious life stance groups (and their adherents) - often minorities - are in these circumstances in a vulnerable position, a vulnerability that is felt even more strongly when the minorities concerned are placed in a weaker socio-economic position (immigrants). The traditional arrangements of state support for religion are modelled on what for centuries was the position of the majority religion - in European countries one of the two major strands of Christianity. The organisational structures of these churches are sometimes older than the nation-states themselves. (New) minorities often do not fit easily into these support systems, even when these systems are open to new applicants (see *Belgium*, a traditional state-funding system open to new religions and non-religious groups). This becomes problematic when basic conditions for the religious practice of the communities are at stake, for instance the availability of (space for) religious buildings, or the possibility to open and maintain educational facilities for the training of religious ministers. Differences in treatment on this basic level are perceived as discrimination, but at the same time they can be considered as a direct violation of religious freedom (e.g. ECtHR *Jehovah's Witnesses* v. *France*, 30 June 2011, application tax exemption legislation).

A growing number of ECtHR cases illustrate the tensions that the fragmentation of the religious landscape in Europe means if the national church and state arrangements are not adapted to the new situation: basic human rights of citizens and their religious communities are violated. ECtHR case law on issues pertaining to the legal status of religious groups (tax status, property rights, legal rights) confirms that appropriate attention should be paid to questions of equal treatment. While this case law traditionally has granted a wide "margin of appreciation" to the States, it might allot more weight to the non-discrimination requirements, when dealing with this issue in the future. It is difficult for EU policy-makers to remain completely indifferent, knowing that State support-related issues fall under the protection of several articles of the European Convention of Human Rights (ECHR), fundamental rights guaranteed under the EU Charter of Fundamental Rights.

What then is the position of / what are the responsibilities to be taken by the EU?
Direct EU competence is limited or even absent when it comes to aspects of State support to religious and non-religious life stance groups. The regulation of religion-state relationships on Member State level in general is to be respected by the EU (art. 17 TFEU: "The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States."). So at first sight the EU has to be very reticent in these sensitive issues, when acting within its competencies.

At the same time human rights are (increasingly) a major concern for EU policies regarding *non*-EU Member States. The EU made *freedom of religion* or belief one of its priorities under its human rights foreign policy, a freedom that also includes the collective right of religious communities to organize themselves (see *EU Statement on freedom of thought, conscience, religion or belief*, OSCE 1 October 2012, HDIM.DEL/0259/12; see the development of *EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief*). This inevitably calls – in order to avoid applying double standards - for close attention to issues regarding religious freedom within the EU Member States, regardless of the different arrangements for state support in place.

The EU Treaties also serve, however, as a starting point for EU responsibilities in promoting and safeguarding religious freedom for all religious groups (and their individual adherents). When new EU policies are envisaged and are to be translated into new legislation, irrespective of the policy domain, the EU is bound to respect the fundamental rights catalogue, firmly-rooted in the EU *Charter of Fundamental Rights*. This commitment is taken seriously in the procedure for the preparation of new EU legislation, developed by the European Commission: the **Impact Assessments** introduced for new EU policies include human rights as a structural element of

attention for policy-makers (see Operational Guidance on taking account of Fundamental Rights in Commission Impact Assessments SEC(2011)567 final). Here the EU has an opportunity for early consultation with all the relevant groups (and not only the traditional well-organised religious communities / groups with a strong presence in Brussels) and to seek advice from independent experts. In the opinion of the European Ombudsman, the provision of Article 17(3) TFEU also allows for a discussion on concrete legal questions and existing legislative provisions – doing so is perfectly compatible with the provisions of paragraphs (1) and (2) of the same article: "Conducting a dialogue on an issue dealt within existing legislation cannot but constitute constructive action"[i] (Decision 2097/2011/RA against the European Commission; 48).

Unequal treatment of religious groups is most visible when core aspects of religious activities are concerned, like *the payment of the salaries of religious ministers, the maintenance of religious buildings, and the financing of the training of religious ministers*. The support mechanisms selected for the RELIGARE research covered not only these **traditional aspects of support** (issues in some cases settled on a constitutional level) but also **new issues** that only became relevant well after the 'establishment' of the national regimes that regulated the financial relations between church and state, like the state-supported *presence of religion in the audiovisual media* or the state-supported *maintenance of listed buildings*, both topics gaining in importance in 20th century cultural policies. These new domains of state regulation were, with some exceptions, not yet present in the debates (and the political battles) on the basic arrangements for religion-state relationships. Access to these forms of support is not always subject to the same limits as the traditional state funding mechanisms and is therefore better able to accommodate a changing religious landscape.

Religious freedom is a multifaceted fundamental right. The issue of State support for the most part addresses *collective* aspects of freedom of religion. Although individual religious liberty (including the right not to be religious, the negative aspect) cannot be ignored, the basic tensions concerning state support issues involve the status of religious groups. Discrimination present (a) in the *architecture* of state support mechanisms or (b) in the *application* of these mechanisms has an impact on collective freedom of religion. Evidence from case law, sociological research and literature shows that nearly all Member States have to tackle similar problems. In most countries, the position of Islamic communities is perceived as unresolved, as far as access to state support mechanisms is concerned.

However, the case law available (which differs greatly in quantity between the States), supplemented by interview data from most of the countries examined, can only support a cautious approach.

Evidence and Analysis

INTRODUCTION

All countries studied within the RELIGARE project regulate the financing of religious groups, although the State-Church relationship system varies considerably from country to country. Religious fragmentation has put the old arrangements under pressure. Court cases to date have mainly involved (members of) minority religions challenging different aspects of the systems in place.

Methods of funding religions form part of national traditions and national identity, more so than other elements of the law applicable to religious groups. The existing funding mechanisms were introduced for the most part in the 18th - 19th centuries, following the secularisation of church property. A variety of systems emerged: church tax, payment of global subsidies, state

remuneration of religious leaders, maintenance of buildings, as compensation for secularised church property, etc. These systems are not, however, fixed for ever, as evidenced by contemporary developments (e.g. the possibility for taxpayers to contribute a proportion of their taxes to the religious community of their choice (Spain, Italy), extending direct funding, little by little, to new religious and belief groups, including non-religious life stance groups (humanists, freethinkers). (Belgium, Germany, the Netherlands)).

The historical context of Christianity, in which the legal status of religions was determined in the majority of the countries researched, has left its traces. Majority religions are often privileged, in funding terms. National traditions of funding religions depend, intentionally or not, on religious policies that refer to the dominant religions, considered to be one of the binding forces of the nation. Generally speaking, the weight of history has curbed most attempts at in-depth reform (see, however, studies of reform in Belgium and, Denmark).

Financial support is offered by all the ten countries, be it via **various mechanisms** of state funding or by facilitating the 'self-funding' of religious denominations:

(I) ***Direct state funding of core activities of religious groups (salaries for religious ministers, houses of worship)***
In different countries State and local authorities (*Belgium*, *Bulgaria*, *France* (for Alsace-Moselle and Guyana)) have an obligation to fund worship-related needs of churches and "*recognised*" religions (salaries for ministers of religion; maintaining the buildings assigned to exercise of worship; where applicable, providing housing for ministers or a housing allowance). Even the regime in *France* allows the State and local authorities to pay for the maintenance and preservation of houses of worship they own, as well as to subsidise the maintenance of houses of worship that belong to religious associations.

(II) ***Direct state funding of religious groups via a taxpayer's assignment***
States allow the taxpayers to allocate a portion of their tax to religious denominations that have an agreement with the state or to non-governmental organisations, irrespective of any consideration linked to the religious affiliation of the individual taxpayer (*Spain*, *Italy*). In these cases, religious denominations are publicly funded through income tax based on taxpayers' choices. How to allocate this tiny portion of tax is then no longer a decision for lawmakers.

(III) ***Indirect state support: state institutions levying a church tax***
States make it easier for some churches, religions and philosophical groups to collect a "church tax", calculated on the basis of income tax. It is a church membership fee and not a state tax, linked to religious affiliation. It ends when one decides to formally leave the religious denomination.

(IV) ***Indirect funding, via tax exemptions / tax deductions***
Religious denominations in various European countries benefit from an extensive range of tax exemptions: commercial tax exemptions below a threshold limit, corporate taxes at reduced rates, exemption from inheritance tax, exemption from taxation on donations, individual tax deductions for donations to churches / religious institutions, exemption from property tax for buildings constructed for worship, etc.

(V) ***Direct funding for other religious activities (in addition to the core activities)***
States provide partial funding for religious activities. State-funded access to public channels for religious broadcasting is possible in nearly in all countries researched. Similar arrangements are present for chaplaincies in state institutions (army, prisons) or hospitals.

Different types of funding are present in the different countries researched and this in all possible varieties / combinations. Access to the different support arrangements for the different religious and life stance groups depends on the religion-state model in place.
The research data show that (the application of) all these types of state support (direct and indirect) seem to be a source of tensions, generally focused on the question of equal treatment and very often emerging where the position of (new) religious minorities is at stake.

To what extent are 'state support'-related tensions or conflicts linked to the recent changes in the religious landscape of European countries? This question cannot be answered only by checking the case law. It is likely that new religious groups - especially minority groups – do not always wish to participate in the existing regimes and the types of 'solutions' it offers. The number of judicial cases directly or indirectly involving state support issues is limited. It means that the case law probably does not reflect reality in its full complexity, even if nearly all the ten countries under scrutiny have been confronted with cases brought against them in the ECtHR that involve specific elements of their state-religion system. Not all claims were successful. The problems raised in the majority of the cases are often related to the specific constitutional models of these states. The issues addressed in this case law are predominantly linked to the (weaker) legal status of *minorities*, but also include conflicts within majority (state church) communities. In these cases, decided under the ECHR framework, the issue of discrimination was frequently central in the analysis of the ECtHR (see for instance ECtHR *Manzanas Martin v. Spain* 3 April 2012 (pension schemes for religious leaders; breach of Art. 1 P1 j° 14 ECHR); ECtHR *Jehovahs Zeugen in Österreich v. Austria* 25 September 2012 (tax legislation, employment of ministers from abroad; breach of 1P1 j° 14 ECHR, breach of Art. 9 j° 14 ECHR)).

● A **common legal framework for state support for religious and non-religious life stance communities does not exist**

Since 1997 it has become clear that the EU respects the existing national arrangements (Amsterdam Declaration 1997, now art. 17.1 TFEU). Nevertheless there exists ***a minimum level of protection of religious communities under the ECHR obligations*** of the EU Member States***.*** This minimum is reflected by a prudent ECtHR case law (see: margin of appreciation doctrine), mainly embedded in the case law on Art. 9, 11 and 1P1 ECHR but – and this is relevant for the topic of state support – also Art. 14 ECHR. The case law on minorities is the leaven for the growing influence of human rights law on the architecture of state-religion relations.

State regulation of government support for religious communities and for non-religious life stance organisations, however, remains a competence of the Member States. EU Member States are not hampered by EU law in maintaining their existing traditional arrangements (or in changing or even abandoning traditional support mechanisms). Room for differentiation and for change is nevertheless governed by state treaty obligations, for instance under the ECHR.

The ECtHR holds *the Member State* responsible for the development (or continuation) of a regime where the different religious groups tolerate each other (ECtHR *Serif v. Greece* 1999, § 53), the role of the state being one of "an impartial and neutral organiser of the exercise of religion" (ECtHR *Leyla Sahin v. Turkey*, § 107). This obligation does not in itself imply changes in the existing state-religion arrangements in EU countries (financing religious communities, regulating church tax, having a state church, regulating ritual slaughter, etc.) (ECtHR *Wasmuth v. Germany* 2011) but the room for manoeuvre is not unlimited. It does not exclude a close scrutiny of the application of elements of the national state support regime (see, recently ECtHR *Holy Synod of the Bulgarian Orthodox Church (Metropolitan Inokentiy) a.o. v. Bulgaria* 2010) ECtHR *Manzanas Martin v. Spain* 2012 (discriminatory pension scheme for Catholic priests / Protestant ministers); ECtHR *Jehovahs Zeugen in Österreich v. Austria* 2012 (discriminatory application of tax law and employment law).

KEY OBSERVATIONS

● RELIGARE research data (sociological research WP7, templates, case law) show that the different systems of state-religion relations remain different, and related to the national context. They illustrate the diversity in national history and national approaches towards religion in countries with very different experiences with religious diversity (ranging from mono-religious societies (Denmark, Italy, Spain) to societies that have a long history of plurality (Netherlands, Germany, the UK, and Turkey, especially during the Ottoman period). All national systems are currently undergoing changes. This is due to the developments in the religious demography (secularisation, immigration, conversion).

●***Pluralisation of the religious landscape*** **is provoking or stimulating *debates* on the relevance of the traditional national state & religion regimes**. Maintaining tradition (of support for state churches, 'recognized religions', or non-religious humanist movements) is not a simple matter in a changing religious context. It requires permanent discussion (WP7 reports France, Denmark, Turkey as well as the Netherlands, Belgium) .

The changing religious situation does not, however, exclude a spirit of resistance in favour of the dominant 'traditional' principles (for or against state support): for example, the voices pleading for maintaining and strengthening the secularist regime (France, WP7: changing the 1905 principles described as "opening a Pandora's box") or the state church regime (Denmark WP7: "this is our model and we should keep it").

In a system where the core activities of churches and non-confessional communities are not state funded at all, the discussion is focused on the principles that should govern religion-state relations when it comes to related activities: state support for religious schools and faith-based charitable initiatives then become important issues (Netherlands, WP7). *These* ***debates on and changes to the existing regimes are considered to be issues of national interest***, very outspoken in the WP7 Denmark report, with the concluding remark: "To find solutions for the future in this area is a matter for the Danes" (§6.7) and where even a review by the ECtHR is considered to be unacceptable.

●***Pluralisation of the religious landscape*** **is bringing about fundamental changes in the existing national regimes.** The changes are different in scope and speed, but are moving more or less in one direction: accepting and accommodating plurality, (Spain, Italy), while at the same time maintaining a strong(er) position for traditional majority religions. This evolution is driven by legal conflicts (Turkey: position of 'recognized' Islam and the Alevites, the influence of fundamental rights / equality norms).

●***Pluralisation of the different religious landscapes*** **is 'confirming' (or less problematic for) existing systems where the legal architecture was already 'open' to diversity.** Some of the different national arrangements are open to 'newcomers', non-confessional movements included (Belgium, the Netherlands, and even France (WP7, see the interviews with minority representatives of Orthodox, Alevi, and Jewish communities, defending the basic principles of the 1905 Law)).

We cannot conclude, however, that the adaptive qualities of these national systems in fact prevent tensions. On the contrary: state involvement with religious diversity (in state support arrangements) raises very delicate questions, touching on central elements of religious freedom. An important one, leading to *case law* in nearly all these countries, is that of religious representation (leadership, especially the representation of religious groups towards government agencies). Another issue concerns the *criteria for support*: how do new communities fit into support systems that function on the basis of old traditions developed for (and with) well organized traditional religious communities?

● **Equal treatment claims play an important role in discussions on the position to be given to marginalized religious communities**. This is reflected in the sociological research (WP 7 France, Netherlands, Turkey). The data confirm that the minorities concerned are not always new (Alevites in Turkey, Jehovah Witnesses in different European countries) but that their claim for equal treatment (or for a minimum degree of human rights protection) is becoming more urgent.

● ***Pluralisation of the different religious landscapes*** **brings about a growing (but rather defensive) state interest in state support arrangements for religion, and in particular reflect suspicion towards *new* religions**.
This is illustrated in the discussions on the willingness to fund 'home-made' educational structures for the *training of (Muslim) religious leaders* (WP7 France, Netherlands, Belgium). The topic is placed in the context of citizenship and integration policies. Thus funding these institutions is not a measure of equal treatment / human rights alone, but is also (probably predominantly) an instrument for other state policies.

Another illustration has to do with direct funding of local Muslim communities: this policy is influenced by the funding of these communities by foreign governments or organizations (WP7 France, Belgium). Finally, this topic is also linked to that of transparency.

● **Where most national regimes are built on different 'classes' of religion, the different categories are under pressure if the criteria for the application of support systems for the lower levels of "recognition" are in conflict with non-discrimination norms.** This is a conclusion drawn from ECtHR case law (Spain, Greece, Austria, France), mostly in cases on the position of so called 'sectarian' religious movements.

● **Intra-European *free movement* and extra-European *immigration* strengthen religious diversity and bring about hybrid Religion/State systems**. The presence of new (immigrant) populations means the presence of their faith communities. The new religious communities (at least initially) were not integrated into the existing arrangements. This has led to an 'importation' of foreign state-religion models. (Turkey: *state organized* Islam present in all EU Member States, irrespective of the church & state arrangements in these countries. As a consequence religious communities in EU countries under the umbrella of the Diyanet are living under a common regime that differs, sometimes fundamentally, from the residence country's regime. The 'living conditions' of these minority communities are determined by Turkish state support. This transnational aspect is also present in the policies regarding their religious leaders coming from abroad (Netherlands: ECtHR case law).

● **Religion-State systems and state support arrangements are marked by the issues that were relevant at the time those systems were developed**. The principles are applied to these 'old' issues (payment of ministers' salaries, financing of religious buildings). New arrangements are not, as far as the research data tell us, rigidly linked to the 'moment of birth' of the dominant system. Two (relatively) new issues were researched: *religious broadcasting* (television, radio) and support for the *maintenance of (religious heritage)*. In both cases, but particularly in the media domain, there is a general tendency to accept and accommodate the new religious plurality; two countries that mirror this evolution the best (and still have the most plural broadcasting regime for religions) are at the same time the two countries that developed the strongest non-funding regime for religion (France, The Netherlands).

POLICY IMPLICATIONS AND RECOMMENDATIONS

I. Recommendations for EU policy-makers:

Management of religious and philosophical diversity is becoming more and more an internationalised issue. Regulations concerning state support for religious (and non-religious life stance) communities remain however a competence of the EU Member States. Room for differentiation and for change, however, is governed by the states' treaty-obligations, for instance under the ECHR.

Where EU institutions are acting within their competences, policy-makers should be aware of the possibility that new EU policies might bring about unexpected side effects in the national regimes (whether or not regimes offer direct state support to religious or life stances communities). EU policies (and legislation) should not create situations that potentially worsen the conditions for religious freedom in the various Member States when they are implementing EU legislation.

(EU Policies:
Participation of stakeholders (consultation - advice))

Recommendation (1)
Organise – in an early stage of the legislative process – consultations with stakeholders (representatives of religious and philosophical organisations).
This technique has its value (it is in itself also an *early warning system*) provided consultation, for example in the selection of stakeholders, is inclusive. Minorities in particular (on the European level: small religious groups) lack the resources and personnel, when compared with the traditional groups, needed for an effective participation. The absence of minority groups (or even of minorities within pluralised religious groups) can lead to an incomplete picture of the possible unintended effects of new policies.

(EU Policies: Impact Assessment)
A lack of competence in the domains discussed in this Policy Brief does not mean, however, that EU authorities, who are themselves bound to respect the European Charter on Fundamental Rights, do not bear responsibility for the possible effects of EU policies on the status of religious groups and non-religious life stance groups (or their individual followers) in Member States. The EU authorities are not empty-handed: the Commission itself has provided an interesting instrument that enables EU policy-makers to evaluate the human rights aspects of new proposed legislation at an early stage: the technique of Impact Assessment. These Impact Assessments, which also take into account the possible impact of policy proposals on *human rights* (the catalogue, formulated in the Charter) are relevant for the position of the freedom of religion or belief in its collective dimension as well.

Recommendation (2)
Include religion not only in its individual but also in its collective dimension (human rights position of churches and non-religious life stance communities) systematically in the Integrated Impact

Assessments as a structural component in the policy-making process.
Using impact assessment in this collective context could help prevent unintended side effects of new EU policies or legislation on the different national regimes governing religious diversity on Member State level. (effects like: producing new or enforcing existing tensions, where the governance of religious diversity is concerned).

II. Recommendations – (Member) State level:

State support arrangements are still embedded in a broader frame of history and legal culture. Thus, recommendations should be open enough for particularities of the Member States, perhaps more than for any other issue.

Regarding the continuation of existing regimes

Recommendation (1)
The granting of financial support should be based on objective and neutral criteria.
Where tensions arise regarding the access to or application of funding systems: evaluate (and if necessary develop) criteria for access to the support in the light of what is acceptable in the context of (a) internal constitutional fundamental rights standards and (b) minimum standards developed by the ECtHR.

Recommendation (2)
In operating funding mechanisms for religious activities the state should take into account pluralism in religion or belief by offering the possibility of extending this funding to similar activities by philosophical groups, whose beliefs are based on immanence (humanist organisations, free-thinkers).

Regarding tax policies:

Recommendation (3)

Promote the alignment of churches, religions and belief groups with other organisations acting for the public benefit, irrespective of their legal status ("recognised", "registered" religions, etc.)

Recommendation (4)
Improve tax exemption and deduction arrangements in favour of public benefit organisations, including religious organisations, so as to encourage the funding of religions by their members and followers by:
-increasing the rate of deductibility / by lowering the threshold for deductibility (stimulating lower income groups)
-raising the limit of the deduction

***Regarding transparency / accountability*:**

Recommendation (5)
Develop guarantees for transparency and accountability of the groups receiving direct state support (or receiving indirect support via tax exemptions and tax deductions for their members).

***Regarding religion in the media*:**

Recommendation (6)
When public radio or television channels are operated by (or under the responsibility of) the State, introduce an equitable and transparent procedure granting various religious or belief groups access to these public channels.

Recommendation (7)
Respect the position of minorities, in order to reflect the plurality of the religious landscape on public channels. Licensing procedures should not be designed to guarantee the presence only of the traditional (majority) groups nor neglect the organizational specificities of minority religions (Islam).

Recommendation (8)
The availability of foreign media channels, serving as a substitute for media consumers with a corresponding background (and only them) should not be seen as a reason (or pretext for?) not investing in a presence of minority religions in the national media environment.

Recommendations regarding
State support in the area of social integration
and freedom of movement:

Recommendation (9)
In general, principles of equality and non-discrimination are fundamental guidelines for State policies concerning religion. Little is known of the cross-border impact of policies for funding religious and philosophical groupings in the area of social integration and the freedom of movement. The same is true for the training of religious and philosophical leaders. Further research assessing this impact as an effect of the differences between policies is needed.

This policy brief was drafted by four RELIGARE partners: Francis Messner (CNRS-University of Strasbourg), Adriaan Overbeeke (Amsterdam), Louis-Léon Christians (Louvain-la-Neuve)and Lisbet Christoffersen (Copenhagen).

Research Parameters

The RELIGARE research project takes a thorough look at the complex interactions between two principles enshrined both in EU law and in the national constitutions of the Member States: on the one hand, freedom of religion and belief and on the other non-discrimination. In an increasingly globalised world, the EU today to an unprecedented degree has come to be composed of people with different ethnic, religious and national backgrounds. Legislators and policymakers at various levels of the decision making process are left with the question: **How to respond effectively and appropriately to increasing social, cultural, religious and philosophical diversity in a democratic context.** The RELIGARE project assesses in particular the question how to strike a balance **between the application of non-discrimination norms** (and their further expansion) and **the protection of the right to freedom of religion and belief.** The RELIGARE research covers **10 countries** (Belgium, Bulgaria, Denmark, Germany, Great Britain, France, Italy, the Netherlands, Spain and Turkey, and focuses on **four areas of participation in social life**: **(1)** employment, **(2)** family life, **(3)** access to and the use of public space, and **(4)** State supported activities.

The project's approach has been **comparative and interdisciplinary**, in combining legal analysis with sociological data and insights. It yielded **three types of research instruments**:

(1) a **database of case law** for the 10 countries involved in the research;

(2) a series of thematic **templates** that summarize the relevant legislation, court cases and controversies in the various countries (these reflect, in a synthetic fashion, the arguments made both by the legislative branch and by the courts and tribunals, in order to address a number of particular situations); and

(3) **sociological reports**, drawn up for the six countries where fieldwork was conducted (Bulgaria, Denmark, France, the Netherlands, Turkey and the UK).

Based on the main findings, the RELIGARE project advances a number of recommendations that are addressed both to the domestic authorities (Member States) and, in particular, to the EU Institutions. The recommendations call **for a more direct and active role for the EU Institutions in developing a coherent policy framework that would strengthen the combat against discrimination on the grounds of religion or belief** that is compatible with a democratic understanding of the functioning of pluralist democracies and can therefore help overcome divisions and segregations.

Project Identity

Project name	Religious Diversity and Secular Models in Europe – Innovative Approaches to Law and Policy
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WEBSITE

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FURTHER READING

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'Framing multicultural challenges in freedom of religion terms. Limitations of minimal human rights for managing religious diversity in Europe', *Netherlands Quarterly of Human Rights* (NQHR), Katayoun Alidadi and Marie-Claire Foblets, Vol. 30, no. 5, December 2012, 388-416.