



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

ISSUE UPDATE: RELIGIOUS FREEDOM CONCERNS IN THE EUROPEAN UNION

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To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

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Overview

The European Union (EU) and many of its member states are active in the promotion of religious freedom abroad, yet some EU countries have maintained or implemented laws and policies that restrict the rights of religious minority groups or impact them in a discriminatory manner. These unduly restrictive policies have the secondary effect of encouraging discrimination at the societal level. Members of religious minority groups have *reported* feeling targeted and unwelcome in certain EU countries and, in some cases, unable to lead a life compatible with both their religion and the laws of the country in which they reside. As a result, individuals from religious minority groups, particularly *Jews* and *Muslims*, reportedly are increasingly choosing to emigrate.

This report outlines some notable examples of restrictive policies in *EU countries* that violate religious freedom and result in or encourage discrimination against religious communities. These include restrictions on religious clothing, ritual slaughter, and so-called “sects,” along with laws that target Muslims, impact Jews, and penalize blasphemy and hate speech. The report also discusses the EU mechanisms that exist to combat religious discrimination throughout the region.

Restrictions on Religious Clothing

Restrictions on religious head coverings, like the Islamic hijab, the Jewish yarmulke, and the Sikh turban, exist widely throughout the EU. Member states with national and/or local restrictions include Austria, Bulgaria, Denmark, Germany, Italy, Luxembourg, and Spain, with recent developments in France, the Netherlands, and Belgium. Such regulations particularly *impact* Muslim women. For example, these laws perpetuate the idea that wearing a headscarf is antithetical to a European country's values and may even represent “extremist” or anti-Western ideologies. Moreover, restrictions on head coverings are often paired with rhetoric calling for the promotion of social integration or social assimilation—the abandonment of non-European cultural or religious values and the adoption of European cultural values—which contributes to “othering” and anti-immigrant sentiment. Additionally, state regulation of the hijab is often justified by claims that Muslim women wear hijabs due to force or pressure, which denies women's agency in their religious beliefs and practice.

Since 2021, the French government has attempted to expand pre-existing bans on religious head coverings in public spaces. Starting in 2004, France *banned* religious symbols and clothing in public schools, and in 2010, it *banned* full face coverings in public spaces, which effectively placed restrictions on niqabs and burqas, among other non-religious clothing. By April 2021, the French Senate *voted* to ban hijabs in public spaces for girls under 18. In January 2022, the Senate also *approved* a proposal

that would ban religious symbols at sporting events. While the National Assembly did not enact either ban proposed by the Senate, in March 2022, France's highest court [upheld](#) a ban set by the Bar Council in Lille that prohibited religious symbols, including head coverings, from being worn in courtrooms. In May 2022, the town council of the French city of Grenoble voted to permit women to wear burkinis (swimwear that covers the body) at municipal pools, but France's top administrative court [ruled](#) against that decision.

In August 2019, the "Act Partially Prohibiting Face-Covering Clothing" [came into effect](#) in the Netherlands after multiple attempts by the Dutch government to pass similar acts since 2006. This law prohibits burqas and niqabs, but not headscarves, in public places where people are expected to communicate. For example, the ban applies to public transportation, schools, government buildings, and nursing care institutions. Those considered in violation of the act can be asked to remove their head covering or leave the premises. Refusal may be subjected to a fine ranging from \$160 to \$440 (€150–€410). In a government survey, Muslim women who wear face coverings [stated](#) that they have experienced increased discrimination and have consequently increasingly avoided public places since the law's passage.

Since 2011, Belgium has [banned](#) face coverings in public places through the "Law on prohibition of wearing clothes that completely hide the face." In 2017, the European Court of Human Rights [ruled](#) that Belgium's ban on full face coverings in public did not violate the European Convention on Human Rights. In June 2020, the Belgian Constitutional Court [ruled](#) that bans on headscarves and other religious symbols in universities also did not violate freedom of religion or the right to education. In September 2021, the Wallonia region [lifted](#) its ban on hijabs in regional universities.

In October 2022, the European Union Court of Justice [ruled](#) that employer prohibitions on the display of religious, philosophical, or spiritual symbols in workplaces do not constitute direct discrimination if applied to everyone, and to all displays of religion or belief, equally. However, the court also ruled that such a policy may be found to be indirectly discriminatory if its application results in persons adhering to a particular religion or belief being put at a particular disadvantage.

Ritual Slaughter Restrictions

Animal rights activists and politicians, albeit for different reasons, often advocate for ritual or religious slaughter restrictions throughout the EU. These restrictions systematically [exclude](#) Jews and Muslims from European

society by complicating their ability to comply with religious dietary laws, forcing individuals to abandon deeply held religious doctrine. Currently, nine EU member states [place](#) some level of restrictions on religious slaughter practices, ranging from a full ban to a requirement for stunning or sedation.

In 2019, the Belgian regions of Flanders and Wallonia [outlawed](#) ritual slaughter, requiring animal slaughterers to pre-stun animals before killing them. In December 2020, the EU Court of Justice [upheld](#) the regional bans on the ritual slaughter of animals without pre-stunning, ruling that the ban was not a religious freedom violation under EU law. However, in 2022, the Belgian region of Brussels-Capital [rejected](#) a bill that would have required pre-stunning of animals. In 2021, Greece's highest court [ruled](#) that it was unlawful to allow the ritual slaughter of animals without anesthesia and called for the Ministry of Agricultural Development and Food to create religious slaughter regulations that safeguarded both animal rights and religious freedom, annulling a 2017 decision that permitted slaughter without pre-stunning. In response to the court's ruling, the Greek parliament [dropped](#) an amendment that would have once more permitted ritual slaughter without pre-stunning in Greece.

In a series of positive developments, in 2019, the Finnish parliament [dismissed](#) a bill that would have required pre-stunning of animals before slaughter and thereby eliminated an exemption that permitted simultaneous stunning for religious slaughter. By early 2023, the Constitutional Committee in Finland [asserted](#) that a proposed bill on animal welfare must allow for ritual slaughter practices. In March, parliament voted to approve the Animal Welfare Act 123-60, which did not include any of the limits on religious slaughter it had originally proposed.

"Anti-Sect" Restrictions

Several governments in the EU have supported or facilitated the propagation of harmful information about certain religious groups. For example, the French government has funded the European Federation of Centres of Research and Information on Cults and Sects (FECRIS), a French non-profit created in 1994 that has pejoratively labeled some religious associations as "sects" or "cults." Similarly, an official body under the French Ministry of the Interior and a member association of FECRIS—the Inter-Ministerial Mission in the Vigilance and Combat against Sectarian Derivatives (MIVILUDES)—[releases](#) an annual report that regularly disparages groups including Jehovah's Witnesses and the Church of Scientology. The organization has partnered with government agencies, religious organizations, and

civil society to inform them about so-called “cults” and has generated largely positive reactions from French media outlets, which has in turn negatively impacted societal respect for those associated with religious organizations that MIVILUDES labels as sects or cults. MIVILUDES has also funded various NGOs that target religious organizations considered harmful “sects,” including the National Union of Associations in Defense of Families and Individual Victims of Sects (UNADFI) and the Centre Against Mental Manipulation (CCMM). In January 2023, France [passed](#) a law, which, under Article 29, section 3.1.2., empowers authorities to use [special techniques](#) outlined in the criminal code to investigate “sects,” including through the impersonation of a delivery person, remote access to electronic communications, and the installation of recording devices in private or public places or vehicles. Under the law, those found guilty of exploiting or seeking to exploit people through “sectarian” activities may face up to \$1,068,130 (€1,000,000) in fines and seven years in prison.

In some regions of Germany, potential employees or the recipients of government grants must [sign](#) statements commonly referred to as “sect filters” to prove they have no connection to the Church of Scientology. In one case, a man was [fired](#) from a long-held official position for his affiliation with the Church of Scientology. By April 2021, an administrative court ruled that he had been unfairly fired.

Blasphemy Laws

Blasphemy remains a [criminal offense](#) in several European countries. While some countries have recently repealed blasphemy legislation, such as [Greece](#) in 2019, other countries have rejected such calls or moved to strengthen their provisions against blasphemy. Poland has increasingly enforced its blasphemy law in recent years; in 2020, there reportedly were [29 indictments](#) for blasphemy, compared to 10 in 2016. In October 2022, a Polish political party, United Poland, [submitted](#) a proposal to further expand the country’s blasphemy law by dropping a requirement that someone actually be offended by another’s actions. In April 2023, a Polish court [found](#) two women guilty of “offending religious feelings” after they held up a picture of the Virgin Mary and Jesus with rainbow haloes during a 2021 march for LGBTQ+ rights. The continued existence and enforcement of a law against blasphemy contradicts Poland’s stated position as a member of the [International Freedom of Religion or Belief Alliance](#) (IRFBA), through which Poland in November 2022 cosigned a [statement](#) condemning the use of blasphemy laws and calling for their repeal.

Blasphemy charges in Italy are also not uncommon, and those charged with blasphemy can face [fines](#) of up to \$5,373 (€5,000). In August 2022, a man who cursed in public was [fined](#) over \$214 (€200) on blasphemy charges.

Hate Speech Laws

While hate speech merits condemnation, hate speech legislation is often too broad, criminalizing speech that does not amount to incitement to violence and thereby encompassing expression protected under international human rights standards, including the rights to freedom of religion or belief and freedom of expression.

Many EU member states maintain legislation that penalizes hate speech, typically subject to fines or imprisonment, including France, Germany, Poland, Italy, Belgium, Germany, Austria, Latvia, and Bulgaria. A 2008 EU Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law calls upon member states to criminalize hate speech, defining it as the “public incit[ement] to violence or hatred directed against a group of persons or a member of such a group defined by reference to race colour, religion, descent, or national or ethnic origin.” In December 2021, the European Commission [proposed](#) extending the list of crimes included in the Treaty on the Functioning of the European Union (TFEU) to include hate speech and hate crimes. As of May 2023, the TFEU includes no such provision.

From a religious freedom perspective, overbroad hate speech laws are particularly concerning when used against individuals for peacefully sharing religious beliefs that others find offensive or controversial. In one such case, in Finland, state prosecutors are [appealing](#) a case against Finnish Member of Parliament Päivi Räsänen and Evangelical Lutheran Bishop Jhana Pohjola, who were acquitted of hate speech charges for tweets that expressed religious beliefs about LGBTQ+ issues.

Other Laws and Policies Impacting Muslims

Various EU countries have passed laws or engaged in practices to counter terrorism, extremism, and/or Islamism that have implications for protected, non-violent activities or expression. Especially when presented with the concurrent aim of promoting “national” or “European” values, these official efforts can lead to stigmatization and discrimination against Muslims by creating a perception that their religion is at odds with such values, even though such legislation does not specifically mention Muslims or Islam.

In August 2021, France [enacted](#) a law on “Consolidating Respect for the Principles of the Republic,” also known as the separatism law, which aims to enforce “French values,” such as *laïcité*, or secularism. The French understanding of secularism encompasses the separation of religion and state, state neutrality, religious freedom in the private sphere, and limitations on the expression of religion in the public sphere. Additionally, according to Minister of the Interior Gerald Darmanin, the separatism law also [targets](#) the “breeding grounds of terrorism.” Its broad provisions, however, encompass activities that do not involve terrorism or the promotion of terrorism. For example, the law requires private contractors working on public contracts to respect the “secular values of the state” and refrain from wearing religious symbols to work. Any association, religious or otherwise, that seeks a state subsidy will be required to sign a “republican contract,” which prohibits questioning of the secular nature of the republic. Furthermore, religious associations must separately report all foreign sourced funds over \$10,710 (€10,000). In terms of education, the law requires that those seeking to homeschool their children obtain authorization from the state. The government justified this provision by [claiming](#) that homeschooled children, in particular Muslim girls, are more likely to be radicalized and future teachers must be trained in secular values. An amendment to the 1905 law concerning the separation of church and state [provided](#) that religious leaders found to provoke people to undermine French law can now face increased fines of up to \$79,900 (€75,000) and five years in prison. They also risk the temporary closure of their place of worship and a prohibition on preaching for a period of up to 10 years.

In addition, amendments to the Interior Security Code passed in July 2021 [allow](#) French authorities to temporarily close a place of worship for up to six months if it is found to spread ideas that provoke violence, hatred, or discrimination, or encourage or glorify acts of terrorism. Between November 2019 and January 2023, French authorities [conducted](#) approximately 28,000 investigations that resulted in the closure of 906 establishments, including more than [20 mosques](#), Qur’anic schools, businesses, and civil society [organizations](#).

In May 2021, the Austrian government [published](#) a website showing the location of Islamic organizations and mosques across the country. Minister of Integration Susanne Raab [said](#) at the time that the purpose was to “fight political ideologies,” but critics argued that the map signaled an official suspicion of Muslims and conflated the practice of Islam with the political ideology of Islamism. In the months following the release of the map, anti-Muslim hate crimes in Austria reportedly [increased](#).

In February 2022, the Data Protection Authority [rejected](#) a 2021 complaint from the Muslim Youth of Austria that the map violated privacy regulations, and it remains online today. In July 2021, Austria [amended](#) elements of its extremism legislation to strengthen efforts to combat “religiously motivated extremism” by including this type of “extremism” as an aggravating factor in the *Strafgesetzbuch* (criminal code) when assessing criminal penalties. Many organizations, including the Islamic Religious Authority of Austria, have [spoken out](#) against the amendments, claiming that they discriminate against Muslims and violate religious freedom.

The Danish government also has adopted policies that observers claim have disproportionately impacted Muslim communities. Since 2018, authorities have labeled neighborhoods in which more than half of residents are non-Western immigrants and their descendants as “ghettos” and subjected them to various “integration” policies. In November 2021, the Danish government [substituted](#) the term “ghettos” for “parallel societies.” Under the law, guardians in such areas must send their children to a daycare for 25 hours a week to learn Danish values and [Christian traditions](#) or risk incurring fines. The law also increased punishments for petty crimes in those neighborhoods, which are generally primarily Muslim. Additionally, the government is giving eviction notices to thousands of families living in these areas to reduce the number of non-Western residents. One group of residents facing eviction from Mjølnerparken is [challenging](#) the measures as discriminatory in the Court of Justice of the European Union. In March 2021, Denmark additionally passed a [law](#) that prohibits certain foreign donations to Danish institutions and creates a public list of foreign organizations and individuals who are deemed to “undermine democracy” in a move that many critics believed was designed to target mosques.

Other Policies and Societal Actions Impacting Jews

Antisemitism is generally [on the rise](#) in Europe. While many EU member states have committed to fighting the scourge of Jew-hatred, governments still maintain policies and take actions that suppress Jewish life and permit antisemitism and hate to flourish. Consequently, it is unsurprising that Jews regularly express that they feel they must hide their Jewish identity.

In Scandinavian countries, various interest groups have regularly attempted to further regulate the Jewish and Muslim practice of circumcision, known in the Jewish tradition as *brit milah*. Children’s rights activists contend

that circumcision violates the rights of children, while certain politicians consider circumcision an imported, “foreign” practice. Yet, circumcision is a fundamental Jewish ritual and campaigns to ban this practice negatively impact Jewish life. In Sweden, the [2001 law on circumcision of boys](#) requires anesthesia and the presence of medical personnel for any circumcision procedure. While many individuals who perform circumcisions, or *mohelim*, are trained medical practitioners, medical training is not required in Jewish tradition. In addition, it is not traditional to provide anesthesia—although some families may choose to do so—which does have an impact on the tradition. Jewish representatives have [engaged](#) with the National Board on Health and Welfare and the Health and Social Care Inspectorate about how the anesthesia requirement complicates *brit milah*. In May 2021, Swedish authorities [launched](#) an investigation into a *mohel* for allegedly conducting circumcisions without the legally mandated anesthesia.

Violent attacks targeting Jews, including murder, are on the rise in France. Lately, government responses to such incidents have been varied and perceived by some as inadequate. For example, Sarah Halimi, a Jewish woman, was [murdered](#) in her apartment and defenestrated by a neighbor in 2017. Although French authorities confirmed that the murder was antisemitic, the killer was never sentenced to prison for his crime. France’s highest court [ruled](#) in April 2021 that the defendant was unfit to stand trial as he was driven to attack Halimi under the influence of drugs. The decision was widely protested and led to a National Assembly investigation into the government’s handling of the murder case. By January 2022, the investigation committee [found](#) that neither the authorities nor the judiciary mishandled the case, leading to renewed criticism that Halimi was once again denied justice. Authorities [responded](#) more swiftly to the 2018 murder of French Holocaust survivor Mirielle Knoll, who was beaten and set on fire as the result of an antisemitic attack. French authorities quickly confirmed the antisemitic nature of the crime and sentenced both perpetrators to time in prison.

Recently, the reaction of French authorities to the murder of Jews has come into question, especially in labeling crimes as antisemitic. On April 2, 2022, a Jewish man named Jérémy Cohen was [attacked](#) by a group of 15 individuals. In an attempt to escape, he ran into a moving tram and later died of his injuries. Later it was found that Cohen was wearing a yarmulke at the time of his attack, spurring some to believe the perpetrators were motivated by antisemitism. While two individuals were imprisoned for the attack, the incident was not deemed to be antisemitic. In May 2022, René Hadjadj, an elderly

Jewish man, was [pushed](#) from his apartment window by a neighbor in an act that has not yet been deemed antisemitic. In August 2022, another Jewish man, Eliahou Haddad, was [murdered](#) by his roommate with an axe. Authorities did not find the murder to be antisemitic, despite Haddad’s killer admitting he acted because Haddad was Jewish.

Germany is also experiencing a rise in violent, antisemitic attacks, an issue that [impacts](#) Jews and non-Jews alike. The German government [reported](#) that violent, antisemitic incidents increased by 37.5 percent in 2022, resulting in 31 persons injured. For example, there were two separate antisemitic [assaults](#) on the same day in Berlin train stations in September 2022. In one case, a rabbi was assaulted after his attacker heard him speaking on the phone in Hebrew, and in the other, a man was subjected to antisemitic insults and attacked. Also in late 2022, someone [shot](#) at a synagogue in Essen, and in another incident, someone [threw](#) an object through a window at a synagogue in Hanover during Yom Kippur services.

Poland, like many European countries, continues to grapple with its role during the Holocaust. At the expense of Jewish communities, the Polish government often distorts the facts of the Holocaust to increase the perceived victimization of Poles during that period and subsequently minimize Polish contributions to the atrocities of the Holocaust. While many Poles were victimized by the Nazi regime and thousands of others risked their lives to save Jews, many more Poles played an active role in the genocide of Jews. In 2018, Polish President Andrzej Duda effectively codified Holocaust distortion when he [signed](#) into law amendments to the Act on the Institute of National Remembrance, which prohibits claims that Poland had any responsibility for atrocities under the Nazi regime. Violators are liable to a fine or imprisonment for up to three years. In 2023, the Ministry of Education allegedly [slowed down](#) funding to the Polish Center of Holocaust Research after its director, Barbara Engleking, claimed that Poland distorts the facts of the Holocaust in an interview.

Efforts to Combat Religious Discrimination

The EU has taken important steps to combat antisemitism in three key areas. First, in 2015, the EU appointed its first European Commission Coordinator on combating antisemitism, Katharina von Schnurbein. The role of an antisemitism point person is essential for the creation of a government-wide, concerted effort to combat hatred against Jews and to facilitate international collaboration in this effort. Additionally, several member states have appointed their own point person for antisemitism. Most recently, Croatia appointed



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Sara Lustig as Special Advisor for Holocaust Issues and Combating Antisemitism in September 2022. Second, EU institutions continue to *encourage* member states to adopt the International Holocaust Remembrance Alliance’s (IHRA) working definition of antisemitism, inclusive of its examples. By doing so, the EU has recognized that a common definition is important to understand and combat antisemitism. Thus far, all but three member states (Denmark, Ireland, and Malta) have *adopted* the IHRA definition, with Latvia being the most recent country to do so as of April 2023. Finally, in 2021, the EU *adopted* the first EU Strategy on combating antisemitism and fostering Jewish life and, as part of that strategy, urged member states to adopt their own action plans by the end of 2022. As of April 2023, many member states have yet to adopt national action plans.

In February 2023, the European Commission *appointed* Marion Lalisie as Commission Coordinator on combating anti-Muslim hatred, a position that had been vacant since 2021. The Commission *created* the coordinator position in 2015 to counter anti-Muslim hatred in “the areas of teaching and education, integration and social inclusion policies, and employment.” Additionally, the European Commission *released* an action plan for 2020–2025 to combat racism, which also addresses anti-Muslim hatred. As part of that plan, the Commission urges member states

to create their own action plans, which many have yet to do. The EU still has space to improve measures to combat anti-Muslim hatred.

Despite official efforts to combat antisemitism and anti-Muslim hatred, both forms of hatred continue to rise. Meanwhile, the EU has yet to take commensurate steps to address other forms of religious discrimination that are also prevalent throughout Europe.

Conclusion

It is possible to guarantee freedom of religion or belief while balancing other concerns, such as national security. While European Union countries generally have in place constitutional and legal protections for freedom of religion or belief, some have also enacted laws and pursued policies that systematically violate religious freedom and have a serious and disproportionate impact on the ability of religious minorities to live in accordance with their beliefs. Importantly, the continuation of such policies at an official level likewise encourages discrimination at a societal level and contributes to an environment that has seen continued violent attacks on places of worship and members of religious minority communities, encouraging increased emigration from Europe.

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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.