

Input regarding A/HRC/RES/53/1 by OIDAC Europe

In a recent communication the UN High Commissioner for Human Rights called for written contributions from civil society and other stakeholders “concerning the various drivers, root causes and human rights impacts of religious hatred constituting incitement to discrimination, hostility or violence, highlighting gaps in existing national, legal, policy and law enforcement frameworks.”

The civil society organization **Observatory on Intolerance and Discrimination against Christians in Europe (OIDAC Europe)** documents cases of religious freedom abuses against Christians, including hate crimes as well as cases of discrimination on religious grounds. We have collected more than 5.000 cases in the past decade.

Being aware that the situation in Europe is not comparable to the persecution of Christians and other religious groups in other parts of the world, we would nevertheless like to draw the High Commissioner’s attention to the rise of anti-Christian hate crimes and discrimination in Europe, which demands urgent action.

(1) Vandalism of churches and violent attacks on Christian believers

Through our close monitoring of anti-Christian hate crimes in Europe, OIDAC Europe has identified a concerning **rise in vandalism and arson attacks on churches**. Currently, in France alone, there was an average of 2-3 churches attacked every day.¹ As a consequence of frequent attacks, many churches across Europe have decided to keep their buildings closed outside service hours, which has negative effects on the exercise of freedom of religion of the affected Christian communities.²

(1a) Increasing vandalism leading to increased physical assaults

While **violent attacks on people** remained comparatively low so far, with 4 cases of murder and 14 cases of physical attacks in 2021, we have identified a **close connection** between the **vandalism of churches** and the **readiness to commit physical attacks** on believers. In Spain, for example, increasing number of attacks on churches were directly followed by more assaults on processions, with people getting physically attacked, as well as violent disruptions of church services through radical groups.³ A similar trend has been visible in France and Poland.⁴

(1b) Incitement to violence online leading to increasing arson attacks

Finally, we have seen a close link between **violent anti-Christian online-slogans** and physical attacks on churches. This became shockingly clear when radical Spanish groups started an online hate campaign against the Catholic church in 2020, using the slogan “*the only church*

¹ OIDAC Archive, URL: <https://www.intoleranceagainsthristians.eu/index.php?id=12&case=5409> (857 anti-Christian crimes in 2021 in France show that there were around 2.5 attacks per day during 2021).

² OIDAC Archive, <https://www.intoleranceagainsthristians.eu/index.php?id=12&case=6164>.

³ Examples from OIDAC Archive: <https://www.intoleranceagainsthristians.eu/index.php?id=12&case=6033>,
<https://www.intoleranceagainsthristians.eu/index.php?id=12&case=6175>,
<https://www.intoleranceagainsthristians.eu/index.php?id=12&case=6786>.

⁴ Examples from OIDAC Archive: <https://www.intoleranceagainsthristians.eu/index.php?id=12&case=6839>,
<https://www.intoleranceagainsthristians.eu/index.php?id=12&case=5232>.

that illuminates is the one that is in flames“ and the hashtag **#FuegoAlClero**. OIDAC Europe identified an **increase in actual arson attacks** in Spain following these events.⁵

What becomes clear from these examples is that the combat of anti-religious hate crimes has to go beyond the necessary enhancement of security measures in the protection of places of worship. In France, our research showed that despite enhanced security measures attacks on churches also continued to increase. Therefore, security measures should always be complemented with prevention work to effectively combat anti-religious hate crimes.

(2) Legal discrimination of Christians in Europe

Besides the increase in vandalism and anti-Christian hate crimes, OIDAC Europe’s documentation has also shown a rise in the number of Christians facing discrimination at their workplaces and even legal proceedings due to their religious convictions.

(2a) Safeguarding freedom of conscience needs reasonable accommodation

One of the main areas of concern in this regard is the **elimination of conscience clauses** from existing legal provisions in an increasing number of European countries and even international documents⁶.

We therefore see the need to protect contentious objections at the workplace in line with international human rights bodies, which have repeatedly called for **“reasonable accommodation”** of the needs of religious believers, including dictates of their conscience. In this context, the recommendations of **UN Special Rapporteur on freedom of religion or belief** who has called “policymakers, legislators and judges [to] treat claims of reasonable accommodation as an important part of combating indirect discrimination based on religion or belief”⁷, as well as the resolution of the **Parliamentary Assembly of the Council of Europe** calling upon Member States to promote reasonable accommodation so as to uphold freedom of conscience in the workplace seem of utmost importance.⁸

(2b) Freedom of expression endangered through criminalization of religious views

A second development which has led to a worrying increase in prosecution of Christians for expressing their convictions in line with religious teachings is the introduction of overly broad and **vaguely formulated anti-hate speech laws** in several countries in Europe. This has led to **prosecutions** and even **arrests of Christians for publicly citing the Bible** in countries like the UK⁹ and Finland¹⁰. **Criminalizing the expression of religious teachings if there is no incitement to violence**, but rather merely dissenting opinions on some current political or social issues, seems to be a highly problematic not only in regard to the right to freedom of expression and religion, but also in regard to the functioning of pluralistic, democratic societies.

⁵ OIDAC documented that arson attacks made up 10% of all hate crime cases in 2021 and 14% in 2022. See OIDAC Annual Report 2021, URL: https://www.intoleranceagainsthchristians.eu/fileadmin/user_upload/publications/files/Annual_Report_2022_-_ONLINE_Web_View_Final.pdf, p.13. (Numbers for 2022 will be published in November 2023).

⁶ See for example new WHO “Abortion care guideline”, Geneva, 2022, pp. 60-61; OIDAC Analysis at: <https://www.intoleranceagainsthchristians.eu/index.php?id=12&case=5508>.

⁷ UN Special Rapporteur on freedom of religion or belief, A/69/261, para. 78.

⁸ Parliamentary Assembly of the Council of Europe, Resolution 2036 (2015).

⁹ See for example: <https://www.intoleranceagainsthchristians.eu/index.php?id=12&case=4846>.

¹⁰ See for example: <https://www.intoleranceagainsthchristians.eu/index.php?id=12&case=6939>.

(3) Recommendations

- (A) Ensure enhanced security to **protect places of worship** complemented by prevention work
- (B) Ensure the “absolute protection” status of **freedom of conscience** as enshrined in international human rights law and its jurisprudence (Article 18 of the ICCPR, General Comment No. 22, para. 5 of the UN Human Rights Committee)
 - Implement the principle of “**reasonable accommodation**” of religious needs in general, and **conscientious objections** in particular, in line with recommendations of international human rights bodies, such as the UN Special Rapporteur on freedom of religion or belief (A/69/261)
 - Protect believers from indirect discrimination at their workplace through undue restrictions and enhance religious literacy, to improve the recognition of religion as an asset to the working environment
- (C) Ensure **freedom of expression** also in the context of its connection to freedom of religion as pointed out by the UN Special Rapporteur on freedom of religion or belief (A/HRC/31/18)
 - protect religious communities from legal insecurity through overly broad hate-speech laws, which can be used to criminalize religious believers for voicing mainstream religious teachings on issues like the moral views on life, marriage or family