

Religion-Related Norms in European Union Law

I. Part one: Basic documents

A. European Union

1. Treaty on European Union

*Of 07.02.1992 as amended by the Treaty of Lisbon (12.12.2007)
Consolidated text (Official Journal C 83, 30/03/2010 P. 13)*

PREAMBLE

DRAWING INSPIRATION from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law,

2. Treaty on the Functioning of the European Union¹

Consolidated text (Official Journal C 83, 30/03/2010 P. 47)

PART ONE PRINCIPLES

TITLE II PROVISIONS HAVING GENERAL APPLICATION

Article 10

In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Article 13

In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.

Article 17

1. The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.
2. The Union equally respects the status under national law of philosophical and non-confessional organisations.
3. Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations.

¹ Since the entry into force of the Lisbon Treaty on 1st December 2009, the 'Treaty establishing the European Community' (25 March 1957) has been replaced by the 'Treaty on the Functioning of the European Union' (Treaty of Lisbon article 2§1).

PART TWO NON-DISCRIMINATION AND CITIZENSHIP OF THE UNION

Article 19

1. Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

3. Charter of Fundamental Rights of the European Union²

*Of 07.12.2000 (Official Journal C 364, 18.12.2000 P. 1)
Consolidated text (Official Journal C 83, 30/03/2010 P. 389)*

[Preamble]

The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values.

Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.

(...)

The Union therefore recognises the rights, freedoms and principles set out hereafter.

Chapter II Freedoms

Article 10 Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.
2. The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.

Article 14 Right to education

1. Everyone has the right to education and to have access to vocational and continuing training.
2. This right includes the possibility to receive free compulsory education.
3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

² Since 1st December 2009, the Charter proclaimed in 2007 has the same legal status as the Treaties by virtue of Article 6(1), first subparagraph of the Treaty on European Union.

Chapter III Equality

Article 21 Non-discrimination

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.
2. Within the scope of application of the Treaty establishing the European Community and of the Treaty on European Union, and without prejudice to the special provisions of those Treaties, any discrimination on grounds of nationality shall be prohibited.

Article 22 Cultural, religious and linguistic diversity

The Union shall respect cultural, religious and linguistic diversity.

4. Community Charter of the Fundamental Social Rights of Workers

*(Cf. e.g. art. 151 (1) FEU Treaty)
Of 09.12.1989*

[Preamble]

(...)

Whereas, in order to ensure equal treatment, it is important to combat every form of discrimination, including discrimination on grounds of sex, colour, race, opinions and beliefs, and whereas, in a spirit of solidarity, it is important to combat social exclusion.

B. Council of Europe

1. Convention for the Protection of Human Rights and Fundamental Freedoms

*(Cf. e.g. art. 6 (2) EU Treaty)
Of 04.11.1950 (ETS No 005) -
As amended by Protocol No 11 (01.11.1998) (ETS No 155)*

Article 9 - Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Article 14 - Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

2. Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms

*(Cf. e.g. art. 6 (2) EU Treaty)
Of 20.03.1952 (ETS No 009) -
As amended by Protocol No 11 (01.11.1998) (ETS No 155)*

Article 2 - Right to education

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

3. European Social Charter

*(Cf. e.g. art. 151 (1) FEU Treaty)
Of 18.10.1961 (ETS No 035)*

Preamble

(...)

Considering that the enjoyment of social rights should be secured without discrimination on grounds of race, colour, sex, religion, political opinion, national extraction or social origin.

(...)