

VIII. RELIGIOUS FREEDOM IN THE EUROPEAN UNION AND ITS SOUTHERN NEIGHBORHOOD

❧ MICHAEL LEIGH

REMAKING THE WORLD IN OUR IMAGE

The end of the Cold War led to a widespread conviction in Europe and the United States that the Western way of life, both political and economic, had triumphed and that the rest of the world now sought to become more like ourselves. The world's peoples, it was felt, wanted both material well-being and the rights and freedoms enjoyed in Europe and the United States. Democratic change and modernization, however, were often constrained by conservative constituencies, vested interests, and established elites. So the European Union took the lead in offering incentives to countries in its neighborhood to embark on democratic transitions, hedged with conditions, including the implementation of reforms based on values claimed to be "universal."

Religious freedom is among such values, though Europeans have tended to treat it with circumspection because of its sensitivity. This reflects the different versions of secularism in the European Union's own member states and reservations about Western conceptions of religious freedom in certain partner countries, especially in North Africa and the Middle East. Nonetheless, the freedom of religion, as assessed by precise indicators, became one of the tests of a country's readiness to move closer to the EU politically and, in the case of eligible countries, to join it. The outward projection of Western values has gained some traction with countries whose leaders and people are themselves attracted by "Westernization" or "Europeanization." But such countries are rather few, especially in regions remote from Europe.

Many “emerging” or “developing” countries still smart from imperial domination and disdain the Western model. The European Commission and various official bodies in the United States conduct extensive monitoring of democracy, the rule of law, and respect for human rights. Both the EU and the United States, however, often prefer to avoid confrontation and choose “dialogues” or assistance programs rather than sanctions for non-compliance with such principles.

Today many political leaders in Europe and the United States remain committed to the diffusion of Western values in the world but their efforts have lost momentum for a number of reasons. The global financial crisis and recession have pushed democracy promotion down the priority list. The Obama administration, while proclaiming the universality of democratic values, is far less interventionist than its predecessors. The floundering state of Europe’s economies and the travails of the euro have reduced the EU’s “magnetic appeal.” It has taken longer than expected to “integrate” new member states into the EU and migration, even within the borders of the EU, has come under attack from populist political parties.

Backsliding in transition countries, dysfunctional democracy, state failure, sectarian conflict, and relapses into authoritarianism have given policymakers pause for reflection. The troubled legacy of the color revolutions in Georgia and Ukraine in the first decade of the 21st century and of the Arab uprisings in the second moderated earlier Western triumphalism.

The less encouraging outlook in Eastern Europe, North Africa, and the Middle East has led the EU in particular to more critically scrutinize the policies it has been pursuing toward these regions over the past decade. Political polarization in the United States has prevented an equally candid re-evaluation, though setbacks have been widely acknowledged. Against this background, this chapter looks at the European Union’s efforts to expand in particular the scope of religious freedom in neighboring countries. Comparisons are made with the experience of the United States in promoting religious freedom to help reach conclusions of potential application on both sides of the Atlantic.

THE EUROPEAN UNION’S PROMOTION OF RELIGIOUS FREEDOM

In the EU itself, the freedom to worship, train clergy, establish religious schools, and build churches, mosques, synagogues, and other places of worship is, with limited exceptions, taken for granted. Indeed, this freedom has permitted a major expansion of the number of mosques in EU countries in recent years, many of them financed and staffed from abroad. In North Africa and the Middle East, the same freedoms are not widely accorded to

non-Muslim minorities, and Christian communities have come under severe pressure. Their numbers are declining throughout the region, often as a result of persecution instigated or tolerated by officially recognized bodies. As many as 1 million Christians are said to have been displaced from their homes in Iraq and half a million from Syria. The desire to protect such minorities was one of the EU's objectives in taking a new initiative to uphold religious freedom.

The EU turned its attention to religious freedom as a distinct human right meriting specific attention in 2009 with the EU Council of Ministers' conclusions on freedom of religion or belief.²¹⁷ In June 2013, the Council went on to approve more detailed guidelines on "the promotion and protection of freedom of religion or belief."²¹⁸ This was one of a series of guidance documents on fundamental rights and freedoms both within the Union and in relations with third countries. The Council conclusions and guidelines were influenced by the International Religious Freedom Act (IRFA), adopted by the U.S. Congress in 1998, which established a mechanism for prodding reluctant countries toward guaranteeing religious freedom and for supporting persecuted minorities.

The aim of the EU Council guidelines was to set out objectives, standards, and procedures that could be taken up in individual policy initiatives. Despite the diversity of member state approaches to religion, the document demonstrates a strong commitment to the principle of freedom of religion and belief and was the culmination of a long process of consultation with civil society groups, both religious and non-religious.

The guidelines uphold the importance of religious freedom *within* the EU and in third countries and affirm the right both to *hold* and to *manifest* a religion or other beliefs. They also emphasize that the individual has a right *not* to hold religious beliefs, recognizing that in today's world, freedom *from* religion may be as important as freedom *of* religion.

The guidelines champion the universal character of the freedom of religion, based on the relevant international conventions. The document identifies states as the main actors that must ensure respect for religious freedom and emphasizes the link between religious freedom and other basic rights, in particular the freedom of opinion, expression, association, and assembly. It points out that certain practices that may be *perceived* as religious in origin may actually stem from other sources and can constitute violations of international human rights standards. Female genital mutilation and

²¹⁷ Adopted by the General Affairs Council meeting, Brussels (November 16, 2009).

²¹⁸ Adopted by the Foreign Affairs Council meeting, Luxembourg (June 24, 2013).

the forced marriage of minors are cases in point. The guidelines call for the withdrawal of financial assistance and other benefits from a country if religious freedom is violated.

Full implementation of these guidelines requires political will, something that the Foreign Affairs Committee of the European Parliament enjoined in its 2014 Annual Report on Human Rights.²¹⁹

The guidelines call for implementation to be monitored by the Taskforce on Freedom of Religion within the European External Action Service's (EEAS) Human Rights Working Group. The first formal review is scheduled for 2016 and questionnaires have been circulated to gather information on implementation.²²⁰

Monitoring is also carried out by the Intergroup on Freedom of Religion or Belief and Religious Tolerance in the European Parliament. This group, which began to meet in January 2015, evolved from a previous group of narrower scope that was formed in December 2012. It fills a monitoring and watchdog role similar to the U.S. Commission on International Religious Freedom (USCIRF), which is referred to in the next section, though it lacks a durable legislative mandate and does not speak with the same political independence. The intergroup reports annually on the situation in third countries and evaluates the actions of EU institutions.

Relying upon information from the USCIRF, EEAS, and other sources, the group, in its earlier formation, issued its first annual report in 2013. The report designated "countries of particular concern," summarized the actions of EU bodies, and made institutional and country-specific recommendations. Welcoming the adoption of the guidelines, the working group called on the EEAS to devote the necessary effort and resources to their implementation and to engage the working group in a process of dialogue.²²¹ Its 2014 report was released at a ceremony with the USCIRF, a collaboration it plans to repeat in subsequent years.

Until now, the EU's promotion of religious freedom has been largely declaratory. Its effectiveness will be judged by the degree to which it guides

²¹⁹ European Parliament Committee of Foreign Affairs, "Draft Report on the Annual Report on Human Rights and Democracy in the World 2013, and the European Union's Policy on the Matter," (November 28, 2014) 2014/2216(INI), http://www.europarl.europa.eu/meetdocs/2014_2019/documents/afet/pr/1042/1042061/1042061en.pdf, p. 15.

²²⁰ Council of the European Union, "EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief," (June 24, 2013), http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/137585.pdf, p. 12.

²²¹ European Parliament Working Group on Freedom of Religion or Belief, "2013 Annual Report" (February 2014), <http://www.indianet.nl/pdf/EPWG-2013-Report-Final.pdf>, p. 17.

subsequent action by EU institutions and member states and by its impact in the countries directly concerned. The full commitment of member states is particularly important. Several, including France, Germany, the Netherlands, and the United Kingdom, are particularly active in this area. However, member states are rather reluctant to withhold financial assistance from strategically important countries that interfere with religious freedom. Efforts by EU institutions to promote political values lose credibility if member states ignore agreed conditionality and pursue business as usual, impelled by security or commercial considerations.

The prevalence in many parts of the world of intolerant forms of religion and of sectarian conflict raises doubts as to the reception likely to be given to the EU's forthright promotion of the freedom of religion. There is a risk, too, that this and similar initiatives will be seen as an effort by the West to impose its own values and model of society. References to "crusaders" by radical Islamist groups have abounded since the 2003 U.S.-led invasion of Iraq. They play into memories of colonial domination, preaching by missionaries, and Western complicity with authoritarian rulers who repressed Islamist movements. The very notion of the freedom of religion, as understood in the West, is challenged by the unified conception of religion, society, and the state that is held by many Muslims.

It is important, whenever possible, for the EU to act in cooperation not only with the United States and Canada but also with other countries such as Brazil, Indonesia, Morocco, Senegal, and Tanzania whose governments are active in promoting religious freedom. Later sections of this chapter consider how, in practice, the EU has approached the promotion and the protection of the freedom of religion through two of its core external initiatives: enlargement and neighborhood policy. These initiatives, whose recent phases were launched before the guidelines were adopted, concern countries in the EU's immediate vicinity. The success of the EU as a foreign policy actor can best be gauged by its impact in its own neighborhood, the part of the world where it can expect to have most influence.

THE U.S. MODEL

Efforts by the U.S. government and particularly the Congress to promote religious freedom over the past two decades served as a model for the EU and therefore merit some consideration here. Such initiatives were spurred by elected representatives and by civil society groups both in the United States and the EU. The U.S. experience demonstrates that the promotion of religious freedom competes with other foreign policy priorities that are often perceived as of overriding importance; however, modest breakthroughs can be achieved.

The 1998 International Religious Freedom Act (IRFA) is the principal basis for official U.S. efforts to address religious freedom in foreign countries. This act established a number of entities and procedures to raise awareness of shortcomings around the world and to seek to alleviate them, the two main institutions being the Office of International Religious Freedom (OIRF) and the USCIRF.

The OIRF is an office within the State Department headed by the ambassador-at-large for international religious freedom. It monitors religious persecution and discrimination and issues an annual report on the situation in each country surveyed. Its mission is to promote freedom of religion and conscience throughout the world as a fundamental human right and as a source of stability; to assist emerging democracies in implementing freedom of religion and conscience; to assist religious and human rights NGOs in promoting religious freedom; and to identify and censure regimes that are severe persecutors.²²²

USCIRF, whose members are appointed by the president and the Congress, is an independent commission tasked with monitoring and formulating policy recommendations. It publishes an annual report focusing on countries that it deems "of particular concern," (CPCs), and establishes a "watch list" for further monitoring. The executive branch is required to draw up a response for CPCs, a responsibility that is usually delegated to the secretary of state, and thus, in practice, to the OIRF. In 2014, the State Department officially designated Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Turkmenistan (so designated for the first time), and Uzbekistan as CPCs, and declined to follow the USCIRF's recommendations to so designate Egypt, Iraq, Nigeria, Pakistan, Syria, Tajikistan, and Vietnam.²²³

Despite ambitious monitoring and reporting requirements, the mechanisms established by IRFA remain largely in the hands of political actors who are selective in applying them. The independent USCIRF has long called for action that the State Department has declined to pursue. The current exclusion of Egypt, Iraq, Nigeria, Pakistan, Tajikistan, and Vietnam from the final list of CPCs reflects their perceived strategic value to the United States.

²²²U.S. Department of State, "Religious Freedom," <http://www.state.gov/j/drl/irf/>.

²²³U.S. Commission on International Religious Freedom, "Annual Report 15th Anniversary Retrospective: Renewing the Commitment," (2014), <http://www.uscirf.gov/sites/default/files/USCIRF%202014%20Annual%20Report%20PDF.pdf>, p. 39; U.S. Department of State, "2013 International Religious Freedom Report," (July 28, 2014), <http://www.state.gov/t/pa/prs/ps/2014/07/229853.htm>.

Saudi Arabia has been designated as a CPC since 2004 but has benefitted since 2006 from a waiver regarding the consequences of such status.²²⁴

The results achieved have been useful but modest. These include pressure on governments not to adopt legislation discriminating against religious minorities, and behind-the-scenes contacts on reforms necessary to avoid designation as a CPC, as well as assistance programs and activities outside the IRFA framework such as training in Holocaust education in Estonia, instruction on enforcing anti-discrimination laws in Bosnia and Herzegovina, Hungary, and Indonesia, and developing Arabic language educational materials on diversity in Egypt.²²⁵ In any event, many of today's worst violations are committed by non-state actors such as the self-proclaimed Islamic State that do not come within IRFA's purview.

Nevertheless, IRFA has created an independent watchdog that can raise awareness and press for action on particular issues. This has led, for example, to targeted sanctions against Iranian officials deemed to be human/religious rights violators; the monitoring of religious persecution and hate crimes in Russia; and pressure for the release of Saudi religious prisoners and monitoring of Saudi funding for radical religious education abroad.

The EU and the United States face similar calls for action and similar constraints. In both cases limitations arise from competing foreign policy goals including security, stability, trade, and access to energy resources. The EU, United States, Canada, and other countries around the world concerned about threats to religious freedom should coordinate their activities more closely to achieve greater impact and effectiveness.

THE EU ENLARGEMENT PROCESS

The European Union has most leverage with countries that have applied for membership. The enlargement process gives the EU unprecedented powers to verify compliance with political, economic, administrative, legal, and human rights benchmarks. The European Commission questions aspirant countries about respect for the freedom of expression, freedom of assembly, religious freedom, women's rights, and gender equality as well as other basic rights and freedoms. Before they can join, the EU insists on candidates meeting standards comparable with those in existing member states.

²²⁴ U.S. Commission on International Religious Freedom, "Saudi Arabia - U.S. Commission on International Religious Freedom: 2013 Annual Report," (2013), <http://www.uscirf.gov/sites/default/files/resources/Saudi%20Arabia%202013%20final.pdf>.

²²⁵ U.S. Department of State, "International Religious Freedom Report for 2013 - Executive Summary," (2013). <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

To qualify, they are expected to adopt and implement laws based on the fundamental rights and freedoms set out in the European Convention on Human Rights, and, since December 2009, on the EU's own Charter of Fundamental Rights. Chapter 10 of this Charter provides that "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."²²⁶

As all applicant countries claim that they guarantee the freedom of worship, scrutiny of the freedom of religion has come to focus on more specific issues. These include the property rights of bodies representing different religions, the recognition and acceptance of different houses of worship, the prosecution of persons evoking hatred and hostility toward members of other religious communities, and the elimination of measures that could be the basis for discriminatory treatment, such as the requirement that religion be indicated on identity cards.

Since the mid-2000s, significant progress has been made in inducing aspirant states in the Western Balkans to adopt provisions establishing the clear separation of church and state, the equitable regulation and registration of religious organizations, as well as broader anti-discrimination laws and legal frameworks for the protection of minorities and vulnerable populations.

In jurisdictions where less progress has been made, notably Kosovo and Serbia, the Commission devotes close attention to religious freedom. The 2014 progress report on Serbia, for example, contains specific recommendations, largely implemented in many of its neighbors up to a decade earlier, to revise sentencing criteria for certain crimes to take account of religious motivation, to reform the manner in which the state registers and oversees religious communities to make it more open and transparent, and to increase efforts to implement legislation for the protection of minorities.²²⁷ The Commission's 2014 progress report on Serbia includes the following observation:

"...the lack of transparency and consistency in the registration process continues to be one of the main obstacles preventing some religious groups from exercising their rights. Some disputable provisions of the rulebook on the register of churches and religious communities may constitute a breach of the principle of state neutrality toward the internal affairs of religious

²²⁶ Text available at European Commission, "EU Charter of Fundamental Rights," http://ec.europa.eu/justice/fundamental-rights/charter/index_en.htm.

²²⁷ European Commission, "Serbia 2013 Progress Report" (October 16, 2013), http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/sr_rapport_2013.pdf, pp. 44-45.

communities. Access to church services in some minority languages is not fully guaranteed in practice.”²²⁸

The Commission also calls for more action regarding religious property disputes in Kosovo, especially better policing and enforcement of penalties.²²⁹

The Commission’s 2014 progress report on Turkey expresses concern over a number of developments related to the freedom of religion, including the limitations facing Muslim and non-Muslim minorities. The obstacles encountered by the Orthodox Church in Turkey, continued pressure on the country’s large Alevi minority, and other limitations on religious groups have given the issue of religious freedom in Turkey particular salience. EU reports began to raise the treatment of Alevis as far back as 2001, two years after Turkey officially received candidate status. Though some progress was eventually made in 2009-10, many Alevi leaders and the EU have remained unsatisfied.

The Commission notes that:

“there is a need for comprehensive reform of legislation on freedom of thought, conscience, and religion and application of this legislation, in line with European Court of Human Rights rulings, Council of Europe recommendations and EU standards. This relates also to issues including the indication of religious affiliation on identity cards, conscientious objection, legal personality of religious bodies and institutions, places of worship and work, and residence permits for clergy.”²³⁰

The report also calls for the establishment of a specific body to combat racism, xenophobia, and anti-Semitism.²³¹ Turkey’s courts are criticized for a restrictive interpretation of the law when considering incitement to hatred of non-Muslim communities.²³² Failure to adequately prosecute “honor crimes” is another shortcoming. Other problems raised by the Commission include the religious curriculum in schools and the conditions for exempting pupils from religious studies.²³³ “Non-Muslim communities, as organized religious groups,” the Commission reports, “continued to face problems as a result of their lack of legal personality, with adverse effects on their property rights,

²²⁸ *Ibid.*, p. 47

²²⁹ European Commission, “Kosovo 2013 Progress Report” (October 16, 2013), http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/ks_rapport_2013.pdf, p. 22.

²³⁰ European Commission, “Turkey Progress Report,” (October 2014), http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf, p. 16

²³¹ *Ibid.*, p. 49

²³² *Ibid.*, p. 52

²³³ *Ibid.*, p. 55

access to justice, fundraising, and the ability of foreign clergy to obtain residence and work permits.”²³⁴

Other long-standing problems include recognition of the property rights of religious foundations, restrictions on the right to train clergy, continued closure of the Halki Greek Orthodox seminary, and persistent refusal to countenance use of the Patriarchate’s ecumenical title.

The report also draws attention to restrictions applying to Armenian and Syriac Christian communities in the country. The statement by a senior Turkish government official that the Hagia Sofia Museum should again become a mosque and the announcement that a bridge over the Bosphorus would be named after Sultan Selim I, considered responsible for killing thousands of Alevis, are cited by the Commission as affronts to the religious communities concerned.

These examples show that fundamental changes are needed in the Turkish authorities’ approach to the freedom of religion to bring it into line with European standards. Turkey’s Minister for EU Affairs Volkan Bozkır recognized the 2014 report as generally “objective and balanced.”²³⁵

The enlargement process provides the EU with a unique opportunity not only to monitor but also to intervene actively in pressing for greater freedom of religion in what are still third countries. Such intervention, while not always welcome, is generally accepted in the countries concerned as legitimate, in light of their aspiration for membership. However, as membership prospects dim for remaining candidates, notably Turkey, the EU’s traction has weakened.

THE EUROPEAN NEIGHBORHOOD POLICY

In 2003 and 2004, the EU introduced an ambitious scheme, known first as “Wider Europe” and then as “the European Neighborhood Policy” (ENP) to promote European values in nearby countries that could not join the EU either because they were ineligible geographically, being located in north Africa or west Asia, or because they fell far short of the EU’s political standards. The goal was to form a ring of well-governed states around the EU that would provide a buffer against terrorism, organized crime, illegal flows of migrants, or military pressure. Poland and the Baltic States felt particularly vulnerable to pressures from Russia, well before the annexation of Crimea. However, the goal of creating a “ring of friends” was not attained, and one

²³⁴ *Ibid.*, p. 55

²³⁵ Turkish Radio and Television, “EU Minister Bozkır: EU Progress Report ‘Objective and Balanced,’” (October 9, 2014), <http://www.trt.net.tr/english/turkey/2014/10/09/eu-minister-bozk%C4%B1r-eu-progress-report-objective-and-balanced-91918>.

commentator opined in 2014 that the EU was surrounded, rather, by a ring of fire.²³⁶

The policy covers all the countries on the southern and eastern shores of the Mediterranean, plus the Palestinian Authority, as well as Ukraine, Moldova, Belarus, Georgia, Armenia, and Azerbaijan. The inclusion of such a varied group of countries in a single policy framework reflects a “package deal” between EU member states with diverse interests and traditional ties. The “Eastern Partnership” introduced in 2008, at the urging of Poland and Sweden, was intended to provide a specific framework for Eastern Europe and the Southern Caucasus. But essentially the same approach was announced for Mediterranean countries in 2011, following the Arab uprisings. A decade’s experience suggests that differentiation, rather than a single policy framework, would better enable the EU to address each country’s needs, capacities, and goals.

The ENP offered participating countries an opportunity to embrace the European model of society, while stopping short of actual EU membership. “Action plans,” inspired by the “accession partnerships” with candidate countries, were concluded by the EU with countries to the east and south, many of which still had authoritarian regimes. These plans include measures to advance fundamental rights and freedoms. However, they handle freedom of religion guardedly in light of the delicate balance between denominations and the religious source of legitimacy of the neighborhood’s monarchies. Most governments proved willing to sign action plans with the EU but showed little inclination to carry them out.

The Arab uprisings were at first interpreted in Brussels as the start of a process resembling “transition” in Central and Eastern Europe. For many, it was as if another Berlin Wall had fallen. Europeans were confident that they possessed the toolbox needed to consolidate political “transition.” Accordingly, in 2011, the EU put forward a “Partnership for Democracy and Shared Prosperity with the Southern Mediterranean” in response to the “Arab Spring.”²³⁷ It offered additional increments of support in exchange for specific reforms said to reflect “shared values.”

It soon became clear, however, that, with rare exceptions, the former autocracies had been replaced by dysfunctional winner-take-all democracies, failed states, civil wars, or renewed authoritarian rule. The EU was little

²³⁶ Charlemagne, “Europe’s Ring of Fire,” *The Economist* (September 20, 2014), <http://www.economist.com/news/europe/21618846-european-unions-neighbourhood-more-troubled-ever-europes-ring-fire>.

²³⁷ European Commission, “A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean,” (March 8, 2011), COM (2011) 200, http://eeas.europa.eu/euromed/docs/com2011_200_en.pdf.

inclined to put pressure on the few relatively stable governments, however imperfect, that held the line against the wave of radical Islam in the region. One European foreign minister told the author in October 2013 that there was no chance that Mediterranean countries could implement the kind of highly ambitious association agreements proposed by the EU in the next few decades.²³⁸

Furthermore, member states pursued bilateral relations with Mediterranean countries in a pragmatic fashion, maintaining close diplomatic, commercial, and personal ties with autocratic rulers. The southern member states drew on links going back to colonial times to build a privileged position in terms of trade, investment, public procurement, and energy supply. The EU institutions, by contrast, were tasked with promoting regional cooperation, good governance, and human rights. The interest-based approach of the member states undermined the credibility of the EU's political conditionality, which the states themselves had approved. Europe manifestly did not speak with one voice.

The action plans drawn up for the ENP-South countries differ in their scope, depending on the regime with which they were agreed. Action plans with Morocco and Tunisia were adopted in 2005, well before the Arab uprisings. Tunisia has since negotiated a new action plan characterized as a "privileged partnership." Lebanon's action plan, renewed in June 2014, is more ambitious in scope but lacks concrete steps.

Egypt's action plan was negotiated before the Arab uprisings and various changes in regime; the broadly secular nature of the Mubarak regime allowed the plan to make commitments to specific action in several areas that were too "sensitive" elsewhere in the region, including religion and the protection of women. Egypt's plan specifically mentions the need to "improve the dialogue between cultures and religions, cooperate in the fight against intolerance, discrimination, racism, and xenophobia, and in the promotion of respect for religions and cultures."²³⁹ However, it stops short of calling for action beyond the "exchange of best practices" and "consideration" of appropriate legislation.²⁴⁰

The action plan agreed with Jordan, and renewed in 2012, goes furthest on religious freedom. The plan calls for protection from religious-based

²³⁸ M. Leigh, "The European Neighbourhood Policy: A Suitable Case for Treatment," in S. Gstöhl and E. Lannon, eds., *The Neighbours of the European Union's Neighbours* (London: Ashgate, 2014).

²³⁹ European External Action Service, "EU/Egypt Action Plan," http://eeas.europa.eu/enp/pdf/pdf/action_plans/egypt_enp_ap_final_en.pdf, p. 4.

²⁴⁰ *Ibid.*, p. 8.

discrimination and for efforts to “combat hate crimes, including cases motivated by Islamophobia, anti-Semitism, and Christianophobia and other beliefs, which can be fuelled by racist and xenophobic propaganda in the media and on the Internet.”²⁴¹

All action plans mention the need to “strengthen the role of women” and call for greater enforcement of UN conventions protecting women.²⁴² The action plan with Lebanon stresses the need to eliminate “all forms of discrimination” against women and promote their fair electoral representation in Lebanon.²⁴³ The Jordanian authorities commit themselves to “mainstreaming” women in government policies, increasing support for victims of domestic violence, and combatting “so-called ‘honor crimes.’”²⁴⁴ Egypt’s plan calls for new legislation and public awareness campaigns to eradicate female genital mutilation.²⁴⁵

Considerable time will be needed to ascertain the impact and effectiveness of such commitments. Until now they have remained largely declaratory, competing with the much more conservative values upheld by the Gulf States, whose financial assistance far outstrips that of the European Union.

THE EUROPEAN RESPONSE TO RADICAL ISLAM

By 2015, the failure of the ENP to deliver the kind of political transformation that EU leaders had hoped for prompted calls for a fundamental revision of the policy.²⁴⁶ In several countries covered by the ENP, terrorist groups, including al Qaeda and the self-proclaimed Islamic State, have brutally attacked both Muslim and non-Muslim religious minorities. Europe itself has become a frequent target for terrorist attacks by militants claiming to act in the name of Islam.

Sectarian conflict, civil strife and violent repression are undermining Iraq and Syria, with severe consequences for Turkey, Lebanon, and Jordan. Displaced persons and refugees, including 1 million Christians from Iraq and half a million from Syria, are experiencing a major humanitarian disaster. It is

²⁴¹ European External Action Service, “EU/Jordan Action Plan,” http://eeas.europa.eu/enp/pdf/pdf/action_plans/2013_jordan_action_plan_en.pdf, p. 12.

²⁴² European External Action Service, “EU/Morocco Action Plan,” http://eeas.europa.eu/enp/pdf/pdf/action_plans/morocco_enp_ap_final_en.pdf, p. 6; European External Action Service, “EU/Tunisia Action Plan,” http://eeas.europa.eu/enp/pdf/pdf/action_plans/tunisia_enp_ap_final_en.pdf, p. 5.

²⁴³ European External Action Service, “EU/Lebanon Action Plan,” http://eeas.europa.eu/enp/pdf/pdf/lebanon_enp_ap_final_en.pdf, p. 3-5.

²⁴⁴ “EU/Jordan Action Plan,” p. 11.

²⁴⁵ “EU/Egypt Action Plan,” p. 7.

²⁴⁶ European Commission, “Toward a new European Neighbourhood Policy: The EU Launches a Consultation on the Future of its Relations with Neighbouring Countries,” (March 4, 2015), http://europa.eu/rapid/press-release_IP-15-4548_en.htm.

increasingly difficult for them to find refuge in Jordan and Lebanon, countries that are themselves over-burdened and vulnerable. Lawlessness is rife in Libya and in the Sinai. Coptic Christians working in Libya have been murdered by extremist Islamist groups.

The flow of "jihadists" between conflict zones and Europe as well as the increasing number of home-grown Islamist militants in Europe have become a major cause for concern. The attacks on the journalists of *Charlie Hebdo* and on a kosher supermarket in Paris in January 2015 by French citizens of Muslim background prompted an unusual display of national unity. There was a similar reaction in Denmark in February 2015 after a murderous attack near the main synagogue in Copenhagen. The rise in the number and violence of anti-Semitic incidents leave European Jews feeling particularly exposed.

The French authorities' response to the Paris attacks involves stricter security as well as greater efforts to integrate minorities and to prevent the radicalization of alienated youth. There is a new recognition of the need to prevent radicalization in prisons, to strengthen diversity training in schools and other institutions, and to do more to integrate young unemployed French citizens of Muslim background. There has also been a strong reassertion of French secularism or *laïcité* and of the country's assimilationist approach to minorities. This forms a fundamental part of French national identity but does not necessarily convey the message of inclusiveness that its proponents intend.

European and U.S. political leaders insist that Islam as such is not the problem; they seek to avoid the perception of a "clash of civilizations" and to prevent an anti-Muslim backlash. Yet violent groups that train European jihadists, especially including the self-proclaimed Islamic State, espouse millenarian variants of Salafi and Wahhabi Islam and are financed by citizens of the Gulf States. Militants often lack a basic knowledge of the Qur'an, *sharia*, and religious practice, and have been repudiated by many Muslim clerics. Nonetheless, they claim to act in the name of Islam, and some are spurred to action by radical clerics. Clearly, the definition of what can be considered a legitimate expression of Islam is primarily a matter for Muslim religious authorities themselves.

European countries are stepping up efforts to promote religious freedom in countries around the Mediterranean Basin, with a view to countering extremism and protecting religious minorities, including Christian minorities. But Gulf countries, struggling with domestic dissent, mired in sectarian disputes, and eyeing Iranian activism in the Middle East, are slow to clamp down on their citizens who support militant groups. The United States has kept up business as usual with repressive countries, including Saudi Arabia,

which receives waivers from the consequences of its Country of Particular Concern status. There is also extensive trade and security cooperation between European countries and the conservative Gulf States.

Many question the seriousness of European and U.S. efforts to promote fundamental rights and freedoms, including religious freedom, in the Middle East in light of reticence to follow through on violations of religious freedom, when security or trade are at stake. In any event, these efforts address states rather than militant groups, which are today responsible for some of the worst abuses.

CONCLUSIONS

In 2015, the EU embarked on a year-long review of its neighborhood policy. In doing so, it would do well to take into account a decade's experience with efforts to promote human rights in general and religious freedom in particular. Many of the lessons learned apply equally to the United States.

The changes in North Africa and the Levant, which raised so many hopes, have improved the enjoyment of political rights to a very limited degree and have led to widespread violence. There have been serious setbacks and transition appears in several cases to be from autocracy, to electoral democracy, and back to authoritarian rule. In others, dysfunctional democracy or state failure prevails. Brutal sectarian groups undermine state authority and inflict incalculable human suffering.

The issues that are stressed by Western countries are not necessarily priorities for local people who crave above all a semblance of order permitting them to go about their daily lives unmolested. Third countries, notably in the Gulf, compete to propagate their own values and sectarian preferences, even undermining apparently moderate Islamist movements such as Ennahda in Tunisia. The protection of religious minorities and the fight against extremist groups are often viewed by Muslim leaders as essentially Western causes that go into high gear when U.S., European and, indeed, Christian lives are at stake.²⁴⁷

China, Russia, and Iran are increasingly active in North Africa, the Levant, and the wider Middle East. Their agendas have little in common with Western efforts to promote fundamental rights and freedoms. Iran supports the regime of Bashar al-Assad in Syria as well as Hezbollah and Hamas. The Turkish government, which has lost ground in the region since the overthrow of the Morsi government in Egypt in July 2013, resorts to increasingly illiberal

²⁴⁷ Author interviews, March 2015.

measures internally and is ambiguous in its policy toward militant Sunni groups, especially those in conflict with Kurdish fighters in Syria and Iraq.

Many leaders in North Africa and the Levant question the legal, moral, or political grounds for EU insistence on respect for European values and standards. The EU's promotion of its own model is greeted with further skepticism because of persistent economic and financial problems in Europe since 2008. The putative beneficiaries of the ENP are increasingly exposed to non-Western models and ideologies.

The financial resources at the disposal of the EU pale by comparison with those mobilized by the Gulf States, for example to prop up Egypt and advance their own sectarian agendas. The scale of their aid renders ineffective any EU efforts to reward supposed political reforms with marginal increments of assistance. The Arab uprisings, their suppression, and the outbreak of sectarian violence demonstrate the limited success of Europeans in encouraging a democratic political evolution in these countries.

Local ownership is the key to successful democratic transition, including respect for religious freedom among other fundamental rights and freedoms. Where it is lacking, Europeans and Americans need to accept that they cannot impose these values from outside. They can prod the governments concerned to be more respectful of religious minorities and, whenever possible, provide support to distressed religious denominations, and facilitate civil society initiatives. But there are limits to what can be achieved in the absence of local ownership.

Where local ownership is present, as may be the case in Tunisia, assistance should be increased significantly, drawing on the full tool box of measures that the EU has developed over the past two decades, since the collapse of communism in Europe. In time, success in one country, such as Tunisia, may demonstrate what can be achieved and inspire others to follow its example.

RECOMMENDATIONS

Against this background, there are a number of lessons learned that should be considered by the European Union and the United States when formulating foreign and domestic policies related to religion in the future.

- Proponents of the liberal international order need to take into account the increasing influence of religion within their own societies and around the world.

- Religion as such is not inimical to the liberal international order and can even reinforce its principles. This, however, requires increased acceptance of diversity, especially in Europe, and greater efforts to distinguish between religion as such and its exploitation for political ends.
- The United States and the European Union should not seek to impose liberal values from outside but to reinforce local initiatives and to strengthen local ownership of them.
- The United States and the European Union should cooperate with the authorities of states in North Africa and the Middle East that seek to strengthen fundamental rights and freedoms, including the freedom of religion, in their countries. Assistance to countries committed to political reforms, including notably Tunisia, should be increased.
- In other countries, where the authorities are not themselves proponents of liberal values, the United States and the European Union should provide support to civil society groups, especially through partnerships and twinning programs with civil society bodies in the West.
- The United States and the European Union should review their current programs promoting religious freedom. This review should cover their impact and effectiveness and the perception of such initiatives in target countries.
- Provisions in such programs that call for the withholding of assistance to countries interfering with the freedom of religion should be applied consistently or repealed.
- In the European Union, greater coordination between the position of EU institutions and the member states is needed.
- In the United States, there should be greater consistency between the findings of the U.S. Commission on International Religious Freedom and positions taken by the executive branch of government.
- The EU, United States, Canada, and other countries concerned about threats to religious freedom should coordinate their activities more closely to achieve greater impact and effectiveness.
- They should coordinate their diplomatic efforts to prevent citizens of Gulf States and others from financing violent extremist groups.
- The United States and the European Union should exercise their political influence with Turkey, a NATO ally and candidate for EU membership

1) to ensure greater freedom of religion for Muslims and non-Muslims within the country itself and 2) to refrain from providing, officially or unofficially, logistic support, including transit, for militants joining violent sectarian groups in Iraq and Syria.

- In Europe, cross-faith networks should be mobilized to counter the propagation of intolerance (including anti-Semitism and Islamophobia).
- Young delinquents incarcerated for petty crimes should be separated in prisons from militants convicted of violent crimes motivated by religious or racial intolerance, to reduce the risk of radicalization of susceptible young offenders.
- School curricula in the United States and Europe should devote greater attention to raising awareness and understanding of the lasting legacy of imperial expansion, including perceptions of the role of missionaries.
- In countries with large Muslim minorities, such as France and Germany, the number of Muslim chaplains in prisons and in the military should be increased to provide an opportunity for dialogue with exponents of moderate currents of the Islamic faith.
- Greater efforts should be made by Europe and the United States to promote understanding that certain violations of human rights should not be attributed to religion. Awareness should be raised that, for example, female genital mutilation and forced marriage are not called for by religion and are a serious violation of women's rights. Greater efforts should be made to eradicate such practices through attention and appropriate political pressure. ❧