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**SECRETARIAT OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

**COMPILATION OF OPINIONS OF THE ADVISORY COMMITTEE
RELATING TO ARTICLE 8 OF THE FRAMEWORK CONVENTION**

FIRST CYCLE

“Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.”

Note: this document was produced as a working document only and does not contain footnotes. For publication purposes, please refer to the original opinions.

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1. ALBANIA

The Advisory Committee has received information concerning the difficulties faced by certain national minorities in relation to the return of church property, including the lands surrounding church property. In this respect the Advisory Committee notes, in particular, the claims of the Greek and Aromanian / Vlach minorities. The Advisory Committee recognises that Albania, like many countries in the region, has had to tackle the difficult question of restitution of property, including church property, and considers that the authorities should continue the process of restitution bearing in mind the need to draw a careful and fair balance between the interests of all those concerned. The Advisory Committee considers further that this policy should be carried out without any form of discrimination impacting upon persons belonging to national minorities.

In respect of Article 8

The Advisory Committee *finds* that information exists on the difficulty faced by certain national minorities to obtain the return of church property. The Advisory Committee *considers* that the authorities should while continuing the process of restitution bear in mind the need to draw a careful and fair balance between the interests of all those concerned without any form of discrimination impacting upon persons belonging to national minorities.

2. ARMENIA

Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

3. AUSTRIA

Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

4. AZERBAIJAN

The Advisory Committee notes that freedom of religion is guaranteed in the Constitution of Azerbaijan and the representatives of the largest religious organisations report that their rights are respected in practice. The main development in this sphere has been the re-registration of religious communities, which was launched in 2001. The Advisory Committee urges the State Committee for the Work with Religious Associations to ensure that the registration process is pursued on the basis of objective criteria and in a manner that entails no undue state interference.

The Advisory Committee notes that there has been a marked decrease in the number of registered religious communities. It however welcomes that non-registered religious communities are legally entitled to pursue their activities in Azerbaijan. The Advisory Committee regrets, however, that in some regions certain non-registered communities have been prevented from having their legitimate meetings and it encourages the authorities to pursue further their efforts to prevent such incidents.

The Advisory Committee considers that the provision, contained in Article 22 of the 1992 Law on Freedom of Religious Beliefs, stipulating that religious associations have the right to “to produce, import and freely spread” literature and other informational materials of religious content only “upon consent of the corresponding executive authority”, is so broadly formulated that it could be open to abuse. The Advisory Committee encourages the authorities to review this provision in the context of the on-going drafting of a new law in this field. In the meantime, it urges the authorities to implement the said provision with particular caution, so as to ensure that it does not undermine the right of persons belonging to national minorities to manifest their religion.

In respect of Article 8

The Advisory Committee *finds* that Azerbaijan has introduced a process of re-registration of religious communities and that non-registered religious communities have in some cases been prevented from having their legitimate meetings. The Advisory Committee *considers* that the authorities should ensure that the registration process is pursued on the basis of objective criteria and that there are no undue interferences with the activities of religious communities.

The Advisory Committee *finds* that certain requirements of the Law on Freedom of Religious Beliefs related to informational materials of religious content are so broadly formulated that they could be open to abuse. It *considers* that this issue should be addressed in the context of the on-going drafting of a new law in this field.

5. BOSNIA AND HERZEGOVINA

The Advisory Committee notes that respect for the right to manifest one’s religion is particularly important given the religious pattern of the different communities living in Bosnia and Herzegovina. In this context, the Advisory Committee notes the recent adoption, at the State level, of a Law on Freedom of Religions and Legal Status of Churches and Religious Communities (Official Gazette 5/44 of 9 March 2004), which contains new guarantees in this respect.

The Advisory Committee is concerned by the various obstacles placed to the reconstruction of religious buildings destroyed during the war. This is for example the case as concerns the mosques of Bijeljina and Zvornik, where the competent authorities of the Republika Srpska have refused to issue building permits. The Ukrainian Orthodox Church of Bijeljina has also not been rebuilt to date. The Advisory Committee therefore urges the competent authorities to do their utmost to address these problems and, where appropriate, swiftly implement relevant judicial decisions .

In respect of Article 8

The Advisory Committee *finds* that there are various obstacles placed to the reconstruction of religious buildings destroyed during the war and *considers* that the competent authorities should do their utmost to address these problems and, where appropriate, swiftly implement relevant judicial decisions.

6. BULGARIA

The Advisory Committee notes that the Constitution guarantees freedom of worship in Article 13.1, and that Eastern Orthodox Christianity is established in Article 13.3 of the Constitution as the traditional religion of the State. The State Report explains that there is no state religion in Bulgaria and that the designation as the “traditional” religion applied to the Orthodox denomination does not secure it any legal advantage.

On the legislative front, it is worth noting that in December 2002 a new Law on Religious Denominations was enacted and took effect on 1 January 2003. The Advisory Committee notes that there are plans to amend the law to bring it fully into line with the existing human rights standards, relying *inter alia* on the recommendations made by the Council of Europe bodies concerned. The Advisory Committee is of the opinion that in the process of amending this law special attention should be paid to the situation of persons belonging to minorities in order to secure their rights as set out in Article 8 of the Framework Convention, having also regard to the principle of equality and non-discrimination stated in Article 4 thereof.

In respect of Article 8

The Advisory Committee *notes* that a process of amendment of the new Bulgarian law on religious observance is undergoing, and *considers* it essential that the principles set out in Article 8 of the Framework Convention be duly taken into account as part of this process.

7. CROATIA

The Advisory Committee has received reports about certain differences in the treatment of various religious entities with respect to their status in the army and other contexts. While recognising that the Framework Convention does not exclude all differences in the treatment of religious entities, the Advisory Committee considers that, where such differences exist, particular attention must be paid to the situation of persons belonging to national minorities with a view to guaranteeing them their rights under the present Article as well as their right to equality before the law and equal protection of the law, as guaranteed under Article 4.

The Advisory Committee appreciates the fact that the attendance in religious classes in schools is optional and notes the concern expressed to the Committee that such classes should be organised and scheduled in a manner that guarantees equal protection of the law to all persons belonging to national minorities.

In respect of Article 8

The Committee of Ministers *concludes* that there appear to be certain differences in the treatment of various religious entities with respect to their status in some contexts and *recommends* that in such cases particular attention be paid to the situation of persons belonging to national minorities with a view to guaranteeing them their rights under Articles 4 and 8 of the Framework Convention.

8. CYPRUS

The Advisory Committee notes with satisfaction that the Government has begun to pay salaries to the priests of religious groups as from January 1999, thus treating them on an equal footing with Orthodox priests.

9. CZECH REPUBLIC

Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

10. DENMARK

The Advisory Committee notes in the context of this article that under the Constitution of Denmark, the Evangelical Lutheran Church shall be the established Church of Denmark and, as such, shall be supported by the State. While considering that a state church is not in itself in contradiction with the Framework Convention and that the latter does not entail an obligation *per se* to fund religious activities, the Advisory Committee considers, given the existence of other religions in Denmark, that the question arises whether the fact that state support is made available only to the Evangelical Lutheran Church (both through direct funding from income tax and through a Church tax, from which persons not belonging to the Evangelical Lutheran Church can be exempted at their request) is in conformity with the principle of equality before the law and equal protection of the law as guaranteed under Article 4 of the Framework Convention. The Advisory Committee considers that this question merits being reviewed in detail and considers that the Danish Government should carry out a review of this question.

In respect of Article 8

While noting that a state church system is not in itself in contradiction with the Framework Convention and that the latter does not entail an obligation *per se* to fund religious activities, the Committee of Ministers *concludes* that the question arises whether the privileged funding made available to the Evangelical Lutheran Church, is in conformity with the principles set out in Article 4 of the Framework Convention of equality and *recommends* that this question be reviewed in detail by Denmark.

11. ESTONIA

The Advisory Committee notes that religious freedom is widely guaranteed in Estonia. However, the Advisory Committee regrets the fact that the issue of registration of the Estonian Orthodox Church under the Moscow Patriarche remains unsolved following the recent decision of the Ministry of Interior not to accept registration of the said church under the proposed name. Although lack of registration has not prevented this church from carrying out its activities in Estonia, this issue has caused tension. While recognising the complicated nature of the matter, the Advisory Committee is of the opinion that all parties concerned should increase their efforts to solve this

issue expeditiously and in a manner that fully protects the rights of persons belonging to national minorities to establish religious institutions and organisations.

In respect of Article 8

The Committee of Ministers *concludes* that the question of the registration of the Estonian Orthodox Church under the Moscow Patriarche remains unsolved and *recommends* that all parties concerned should increase their efforts to solve this issue expeditiously and in a manner that fully protects the rights of persons belonging to national minorities to establish religious institutions and organisations.

12. FINLAND

The Advisory Committee notes that, as concerns religious communities in Finland, public financing is provided automatically only to the Evangelic Lutheran Church and to the Orthodox Church. While considering that a state church system is not in itself in contradiction with the Framework Convention and that the latter does not entail an obligation *per se* to fund religious activities, the Advisory Committee is of the opinion that, where such a difference in treatment exists, particular attention must be paid to the situation of other religions with a view to guaranteeing all persons belonging to national minorities their rights under the present Article as well as their right to equality before the law and equal protection of the law as guaranteed under Article 4 of the Framework Convention. The Advisory Committee is therefore of the opinion that this issue merits being reviewed in Finland including by the Committee set up by the Government on 1 October 1998 to draft a proposal for new legislation guaranteeing freedom of religion.

In respect of Article 8

The Committee of Ministers *concludes* that, as concerns religious communities in Finland, public financing is provided automatically only to the Evangelic Lutheran Church and to the Orthodox Church. While noting that a state church system is not in itself in contradiction with the Framework Convention and that the latter does not entail an obligation *per se* to fund religious activities, the Committee of Ministers *recommends* that Finland review how the resulting situation affects the rights of those persons belonging to national minorities who do not belong to the said churches.

13. GEORGIA

Exercise of the right to freedom to manifest one's religion and to form religious institutions, organisations or associations

The Georgian Constitution guarantees freedom of expression, thought, conscience, belief and religion, and prohibits persecution on the basis of the expression of opinions or thoughts and on the basis of religion or belief (Article 19, paragraph 2). These freedoms are also protected by Georgia's Criminal Code (Articles 115, 155 and 156), which also penalises unlawful interference through violence, the threat of violence or misuse of authority in the setting up or activities of political, social or religious organisations (Article 166). Furthermore, the Advisory Committee notes the dominant position of the Georgian Orthodox Church and the particular relations established between it and the State, and is aware of the particular role played by this Church in the history of the country and in the affirmation of Georgian national identity.

The setting up in June 2005, under the aegis of the Public Defender, of a Council for Religions, including representatives of 23 religious organisations, is a positive development. Persons belonging to national minorities thus have a specific discussion forum for issues relating to the preservation of their religious identity, giving them an opportunity to better define their needs and structure their communication with the authorities. The Advisory Committee welcomes this initiative of the Public Defender and calls on the authorities to ensure that this Council's requests and recommendations are duly taken into account by the responsible bodies.

The Advisory Committee nevertheless notes that, notwithstanding the guarantees referred to above, and in spite of certain improvements, serious deficiencies remain where the exercise of religious freedom is concerned. One of the main concerns of national minorities in respect of religion is the question of the legal status and registration of religious organisations. The Advisory Committee notes in fact that, while the Georgian Orthodox Church is recognised and protected as both a Church and a public entity, other religious groups can only register as non-governmental organisations or non-profit-making private-law associations, so they cannot enjoy the same conditions in respect of the exercise of their religious activities. Furthermore, various sources reported an often hostile approach by the Georgian Orthodox Church hierarchy, which, it seems, seeks by various means to consolidate its dominant position to the detriment of the other denominations.

The obstacles impeding their efforts to acquire, build or apply for the restitution of places of worship are another serious concern to the persons belonging to minorities. The Armenians, for instance, report reluctance, or even refusal, by certain local authorities to grant permission for the building of new churches, as well as tensions generated by these procedures. They also mention attempts by the Georgian Orthodox Church to appropriate property belonging to the Armenian churches, as well as acts of provocation and defamatory language against them. The Azeris report particular difficulties in their efforts to build and maintain mosques, as well as manifestations of hostility by both the Georgian Orthodox Church and the population of the Georgian Orthodox faith. The Assyrians and Yezidi have also faced strong opposition, including violent attacks and petitions signed by members of the Georgian Orthodox population, when they were seeking to set up an appropriate place of worship. The Advisory Committee also notes with concern acts of vandalism committed in April 2008 against the Jewish cemetery in Batumi, and reports of disrespectful acts and provocation in some traditional Azeri cemeteries.

While taking due note of the fact that the aforementioned manifestations have become less frequent in recent years, and that efforts have been made to reduce religious tensions, the Advisory Committee is deeply concerned about the situation described in the previous paragraphs, which it regards as incompatible with the principles enshrined in Article 8 of the Framework Convention. It particularly considers regrettable, in situations of tension between members of different denominations, the authorities' reported lack of action and effectiveness.

The Advisory Committee considers that the authorities should ensure respect for the various religious denominations that exist in Georgia and take all necessary steps to avoid and prevent, but also investigate and punish any manifestations of hostility and provocation towards another denomination. It takes the view that it is the authorities' duty to ensure that any person belonging to a national minority is granted recognition of the right to manifest, in appropriate conditions, his or her religion or belief, and entitlement to State protection against any violation of that right.

Return of religious properties

The Advisory Committee notes that religious properties continue to be the subject of disputes and to give rise to tensions in relations between the different religious communities, and that this issue is a cause for great concern for persons belonging to national minorities. It notes that, generally speaking, while the properties of the Georgian Orthodox Church have been, or are being, returned, the return process has been delayed for the other churches. Strong tensions were reported to it in relation to, *inter alia*, the return of Armenian churches and the attempts of the Georgian Orthodox Church to take over some of these buildings (as in the case of several churches in Tbilisi, including the Surb Norashen church used by the Armenian community since the 15th century), notwithstanding the agreement concluded between the Armenian Apostolic Church and the Georgian Orthodox Church on arrangements for resolving the property issue. The return of properties is also a sensitive matter for the other religious denominations, such as the Roman Catholic Church, the Evangelical Lutheran Church and the Jewish community.

The Advisory Committee finds this situation worrying and considers that the authorities should, through consultation of all the parties concerned, and taking care to preserve dialogue and mutual understanding, ensure that the return process results in fair and balanced decisions enabling the different churches to recover their former properties. Furthermore, it is essential to take all the necessary steps to ensure that the cultural, historical and religious heritage of national minorities is respected and preserved (also see the comments on Article 5 above).

Religious education

Obstacles to the exercise of freedom of religion are also reported to exist for young people who belong to minorities. According to information supplied by non-governmental sources, publicly-run schools continue to offer an optional course in religion, mainly providing teaching about the Georgian Orthodox faith, notwithstanding the Church's independence of the State and the statutory separation between public education and religious education (also see the comments on Article 6 above). Furthermore, non-Orthodox pupils are apparently quite often the subjects of attitudes of intolerance, or even hostility, among other pupils and their teachers. In addition, these sources report inadequate conduct by certain teachers, who tend to impose Georgian Orthodox religious practices in the school context, in spite of the aforementioned principle of separation and the existence of different faiths among the pupils. Moreover, some cases of hostility and pressure against pupils of “non-traditional” denominations continue to be reported.

The Advisory Committee welcomes the fact that, in the light of complaints received of violations of religious freedom, the Ministry of Education has decided to prepare new textbooks describing the different religions in neutral terms, and to arrange to carry out regular monitoring of the work of the teachers concerned. At the same time, it encourages the authorities to do everything necessary to ensure for persons belonging to minorities full respect for the right to freedom of religion, as protected by the Framework Convention and by national legislation.

Concerning Article 8

The Advisory Committee *finds* that the legal status and the registration as religious entities of religious organisations other than the Georgian Orthodox Church are issues which raise serious problems, and that these organisations have to contend with difficulties and with expressions of hostility when they wish to purchase, build or request the restitution of places of worship. The Advisory Committee *considers* that the authorities should ensure respect for the various religious denominations present in Georgia and prevent, investigate and punish all expressions of hostility

towards another denomination. Furthermore, the authorities should ensure that, in the process of restitution of the properties of the various denominations, fair and balanced decisions are taken.

The Advisory Committee *finds* that the public schools continue to offer religious instruction which largely focuses on the teaching of the Georgian Orthodox faith, and that non-Orthodox pupils are often exposed to intolerant attitudes. It *considers* that the authorities should take steps to ensure full respect for the right to freedom of religion of persons belonging to minorities.

14. GERMANY

Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

15. HUNGARY

See Article 7

16. IRELAND

Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

17. ITALY

Based on the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

18. KOSOVO¹

Article 8

The implementation of the right to manifest one's religion is particularly challenging in Kosovo. While there are some positive developments in this area as regards certain denominations, the past inter-ethnic violence and rioting have included numerous attacks on Serbian Orthodox religious sites. Such attacks were particularly frequent during the events of March 2004 (see also related comments under Article 5). Aside from the crucial questions of protection and reconstruction of such sites, the Advisory Committee considers it essential that the authorities as well as religious leaders show respect for the religious diversity of Kosovo, and that they consistently work for increasing tolerance and mutual respect in this domain.

The Advisory Committee also attaches great importance to the current process of adopting a law on Religious Freedom and Legal Status of Religious Communities as well as to the efforts of the authorities to pursue an inclusive drafting process. It is essential that the resulting law complies fully with the principles of Article 8 of the Framework Convention. In this respect, the Advisory

¹ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

Committee welcomes the reported improvements in the draft and hopes that they will facilitate the inclusion of representatives of the Serb Orthodox Church in the drafting process.

19. LATVIA

Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

20. LIECHTENSTEIN

See Article 7

21. LITHUANIA

Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observation.

22. MALTA

See Article 7

23. MOLDOVA

During the Advisory Committee delegation's visit to Moldova, representatives of the Tatar community complained that in spite of repeated requests made to the Government in recent years, their community had still not received the necessary support, nor a suitable location, to build a Muslim cemetery. The Advisory Committee considers that the Moldovan authorities should examine this matter and identify appropriate solutions in consultation with those concerned.

In respect of Article 8

The Advisory Committee *finds* that, according to its representatives, the Tatar community has so far not received the necessary government support, nor a suitable location, to build a Muslim cemetery. The Advisory Committee *considers* that the Moldovan authorities should examine this matter and identify appropriate solutions in consultation with those concerned.

24. MONTENEGRO

Legal and institutional framework

Religious freedom is guaranteed in the newly-adopted Montenegrin Constitution. This right is also included in the 1977 Law on Legal Position of Religious Communities. This law foresees that all religious organisations need to register with the local branch of the Ministry of the Interior.

The dialogue between the authorities and the religious communities, as well as the work of the Governmental Commission for Relations with the Religious Communities, are reportedly largely unsatisfactory. The Advisory Committee invites the authorities to review this situation and make the necessary changes, including institutional changes, in order to step up this dialogue.

Respect for religious diversity in practice

The Advisory Committee notes that a lack of sensitivity to the conditions needed for persons who practice Islam has been reported in certain contexts. The State Report refers in particular to the lack of respect for burial customs as well as the insufficient availability of designated premises to practice Islam. The Advisory Committee welcomes the fact that the authorities have demonstrated self-criticism on this issue and encourages them to ensure that respect for religious differences is accommodated. The authorities should also take steps, in consultation with the religious communities concerned, to find lasting solutions to the aforementioned problems.

In respect of Article 8

The Advisory Committee *finds* that the dialogue between the authorities and the religious authorities is reportedly not satisfactory and considers that the authorities should review the situation and make the necessary changes, including institutional changes, in order to step up this dialogue.

The Advisory Committee *finds* that a lack of designated premises to practice Islam has been reported at local level and it *considers* that the authorities should take steps in consultation with the religious communities concerned, to find a solution to this problem.

25. NETHERLANDS

Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observation.

26. NORWAY

The Advisory Committee notes that the Evangelical Lutheran Church of Norway enjoys a number of benefits not available to other religious communities, although the latter are also eligible for financial support from the central and local government in accordance with specific regulations. While considering that a state church system is not in itself in contradiction with the Framework Convention, the Advisory Committee is of the opinion that such a system needs to be coupled with particular attention to the situation of other religions with a view to guaranteeing all persons belonging to national minorities their rights under Article 8 of the Framework Convention as well as their right to equality before the law and equal protection of the law as guaranteed under Article 4 of the Framework Convention. The Advisory Committee takes note of the fact that reforms in this sphere were proposed by the Church of Norway Commission on Church-State relations in its report of 7 March 2002 and expects that the principles of Article 8 and other provisions of the Framework Convention are fully taken into account during further consideration of this issue.

The Advisory Committee notes that the introduction of the subject “Knowledge about Christianity, including religious and ethical education” in the public schools curriculum has caused some controversy, and critics have argued that the content and educational structure of the new subject does not adequately reflect various religious backgrounds of the pupils. The Advisory Committee supports the efforts to adapt the syllabus taking into account such criticisms and the decision to change the name of the subject to “Christianity, Religion and Ethics”. It further considers that the content of the teaching of this subject merits an on-going review aimed at ensuring its compatibility with the principles of Article 8 of the Framework Convention in all schools. The Advisory

Committee also welcomes the fact that in October 2001 the Ministry of Education, Research and Church Affairs improved the procedure for granting partial exemptions from the subject at issue and encourages the authorities to ensure consistent implementation of the procedure and also to consider proposals to make it possible to grant full exemptions.

In respect of Article 8

The Advisory Committee *finds* that the Evangelical Lutheran Church of Norway enjoys a number of benefits not available to other religious communities. While noting that a state church system is not in itself in contradiction with the Framework Convention, the Advisory Committee *considers* that such a system needs to be coupled with particular attention to the situation of other religions and that the principles of Article 8 and other provisions of the Framework Convention need to be fully taken into account in the consideration of proposed reforms in this sphere.

The Advisory Committee *finds* that the introduction of the subject “Knowledge on Christianity, including religious and ethical education” in the public schools curriculum has caused some controversy and *considers* that the content of the teaching of this subject merits on-going review aimed at ensuring its compatibility with the principles of Article 8 of the Framework Convention in all schools.

27. POLAND

Several minorities have a different religion from the great majority of the Polish population. This has implications in various fields, as is the case with those national minorities’ particular commitment to preserving their religious heritage, which is an essential element of their identity. In this connection the Advisory Committee recalls the need for the authorities to take that dimension sufficiently into account in designing measures and policies for these national minorities, including in the allocation of financial support (see related comments under Article 5 above).

In respect of Article 8

The Advisory Committee *finds* that several national minorities differ in religion from the great majority of the Polish population and that this has implications in various fields, as is the case with those national minorities’ particular commitment to preserving their religious heritage, which is an essential element of their identity. The Advisory Committee *considers* that the authorities should take sufficiently into account that dimension in designing measures and policies for these national minorities, including in the allocation of financial support.

28. PORTUGAL

Based on the information currently at its disposal, the Advisory Committee considers that implementation of these articles does not give rise to any specific observations.

29. ROMANIA

On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

30. RUSSIAN FEDERATION

The Advisory Committee notes that the Federal Law on Freedom of Conscience and on Religious Associations adopted in 1997 has been criticised, *inter alia*, by the Parliamentary Ombudsman as raising problems from the point of view of human rights. The Advisory Committee notes that while the law at issue has not generally prevented persons belonging to national minorities from enjoying their rights under Article 8 of the Framework Convention, the reported problems in the implementation of the law, including in the registration process at the local and regional level, as regards some minority religions merit further attention from the authorities.

The Advisory Committee underlines in this connection that the pending legislative initiatives in this field need to be drafted in a manner that fully respects the rights of persons belonging to national minorities to manifest their religion or belief and to establish religious institutions, organisations and associations.

In respect of Article 8

The Advisory Committee *finds* that there are reported problems in the implementation of the Federal Law on Freedom of Conscience and Religious Associations, including in the registration process at the local and regional level, as regards some minority religions and *considers* that these problems merit further attention from the authorities.

31. SAN MARINO

See Article 7

32. SERBIA AND MONTENEGRO

The Advisory Committee recognises that religious freedom is largely guaranteed in Serbia and Montenegro. It has, however, received reports about certain differences in approach to different religions in the army and in other contexts. The Advisory Committee further notes that the introduction of voluntary religious education in school curricula has prompted new challenges, including with respect to persons belonging to smaller religious communities of national minorities such as the Romanian Orthodox Church.

While recognising that the Framework Convention does not exclude all differences in the treatment of religious entities, the Advisory Committee considers that, where such differences exist, particular attention must be paid to the situation of persons belonging to national minorities with a view to guaranteeing them their rights under the present Article as well as their right to equality before the law and equal protection of the law, as guaranteed under Article 4 of the Framework Convention. The Advisory Committee calls on the authorities to pay particular attention to these principles in the context of the drafting of a new law on religious freedom in Serbia.

In respect of Article 8

The Advisory Committee *finds* that there are certain reported differences in approach to different religions in the army and in other contexts, and it *considers* that, where such differences exist, particular attention must be paid to the situation of persons belonging to national minorities.

33. SLOVAK REPUBLIC

On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

34. SLOVENIA

On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

35. SPAIN

Based on the information currently available, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

36. SWEDEN

The Advisory Committee notes that Sweden introduced in 2001 a new law on the circumcision of boys (2001:499), which requires that be performed by a licensed doctor or, on boys under the age of 2 months, by a person certified by the National Board of Health. This law has prompted criticism from Jews, including arguments that it unduly interferes with their religious traditions. The Advisory Committee recognises that the law affects the right of persons belonging to the Jewish minorities to practice their religion but considers that the conditions on circumcision contained therein pursue a legitimate aim as they have been introduced in the interest of the health of children, and that they appear proportionate in relation to this aim. The Advisory Committee encourages the authorities and persons belonging to the Jewish minority to continue to search pragmatic solutions in the implementation of this legislation in order to ensure that it does not unduly inconvenience the practicing of religious traditions at issue.

In respect of Article 8

The Advisory Committee *finds* that the new normative conditions on the circumcision of boys pursue a legitimate aim but they also affect the right of persons belonging to the Jewish minorities to practice their religion. The Advisory Committee *considers* that the authorities should, together with persons belonging to the Jewish minority, continue to search for pragmatic solutions in the implementation of this legislation in order to ensure that it does not unduly inconvenience the practicing of religious traditions at issue.

37. SWITZERLAND

Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

38. “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”

The Advisory Committee notes that Article 19 of the Constitution guarantees freedom of religion and provides for equality between religions.

The Advisory Committee notes that there is some confusion as to the statutory requirement for registration following a constitutional decision in 1999 to revoke certain provisions of the 1997 Law on Religious Communities and Groups, and that, as a result, there is some uncertainty as to the procedure governing registration. The Advisory Committee urges the authorities to clarify the procedure so as to make it easier in practice for all religious communities and groups to register.

In respect of Article 8

The Advisory Committee *finds* that there is reportedly uncertainty among minorities as to the procedure of registration of religious communities following the constitutional decision of 1999 revoking certain provisions of the 1997 Law on Religious Communities and Groups. The Advisory Committee *considers* that the authorities should clarify the procedure in order to facilitate the registration of the various religious communities.

39. UKRAINE

On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations (note, however, the related points raised under Article 6 of the present opinion).

40. UNITED KINGDOM

The Advisory Committee notes that at present there is no comprehensive legislation to protect individuals from religious discrimination. While the Race Relations Act (1976) has been interpreted to provide protection from discrimination to those religious groups that are considered to be an ethnic group, such as Jews and Sikhs, other groups, such as Muslims, Hindus, Buddhists and others do not have this protection unless they are linked to a recognised ethnic group. Religious discrimination and harassment, similarly, does not come within the purview of the Crime and Disorder Act (1998) (racially aggravated offences), nor the Public Order Act (1996) (incitement to racial hatred). These matters are of particular concern and relevance for national minorities within the United Kingdom.

The Advisory Committee has received submissions from a number of different sources on the need for further legal measures to prevent both direct and indirect religious discrimination. Such measures could include new specific legislation or the extension of the Race Relations Act, the Crime and Disorder Act and the Public Order Act in order for them to cover religion as well as race. The Advisory Committee notes in this respect that legislation is currently being examined in Parliament to introduce a new offence of incitement to religious hatred, which if adopted will fill one of the existing gaps in the legislation.

The Advisory Committee takes note and agrees with the European Commission against Racism and Intolerance (ECRI) in its Second report on the United Kingdom (2000) in which it states that “legislation is necessary both as an effective tool to address concrete cases of religious discrimination and as an awareness raising measure”.

The Advisory Committee is also concerned about the need for reform of the blasphemy law. The law as it stands is restricted solely to Christians and does not protect other religions. The Advisory Committee considers that this lack of effective equality, which adversely affects ethnic minorities in particular, raises concern from the point of view of Article 8 and Article 4 of the Framework Convention. The Advisory Committee is of the opinion that the law should either be abolished or extended to other religions in order to provide full and effective equality. In this latter respect the Advisory Committee is pleased to learn of recent Government statements reported in the press that reform of the blasphemy laws is firmly on the agenda.

The Advisory Committee recognises that certain steps have been taken to provide additional protection against religious discrimination. In this respect the Advisory Committee notes that the Human Rights Act now provides a level of protection against discrimination and that in Northern Ireland religious discrimination is covered by the Fair Employment and Treatment (Northern Ireland) Order (1998). The Advisory Committee also notes and welcomes the commissioning by the Government of a research project focussing on the problems of preventing religious discrimination. The Advisory Committee considers, however, that the Government should, in the light of the conclusions of this project, examine what further measures should be taken to provide additional legal measures to protect against religious discrimination throughout the United Kingdom.

In respect of Article 8

The Advisory Committee *finds* that the situation where there is no comprehensive legislation to protect individuals from religious discrimination or religious hatred, has an adverse effect on persons belonging to ethnic minorities. The Advisory Committee *considers* that the United Kingdom should examine further the legal measures necessary to deal with this issue.

The Advisory Committee *finds* that the blasphemy law is restricted solely to Christians and does not protect other religions. This law adversely affects persons belonging to ethnic minorities and is discriminatory. The Advisory Committee *considers* that the law should either be abolished or extended to other religions to make it non-discriminatory.