



EUROPEAN POLICY BRIEF



RELIGARE

Religious Diversity and Secular Models in Europe: Innovative Approaches to Law and Policy

The Place of Religion and Belief in Public Spaces across the EU: Policy Dilemmas and Recommendations on Religious Symbols and Dress Codes

Ongoing project

March 2013

INTRODUCTION

The transformations of the religious landscape of Europe

Religions have a prominent and very visible position in the legal systems of the Member States of the EU. Two illustrations of this visibility are the teaching of religion almost everywhere in the curricula of state schools and state financial support for religious organisations. In two out of the ten countries (Denmark and the UK) under scrutiny in the RELIGARE research project,ⁱ there is even an officially recognised state religion. The RELIGARE Research Parameters are highlighted in Annex 1 below.

This presence of religions in the European legal systems is increasingly challenged by demographic developments. Two developments are particularly significant in this respect, as shown by the statistical data collected by the Pew Forum on Religion & Public Lifeⁱⁱ and a special Eurobarometerⁱⁱⁱ poll of 2010:

- a) A growing number of Europeans (more than 20% of the population of the EU Member States) do not view themselves as belonging to any religion and often question the support offered by the state to religious communities.
- b) A similarly increasing share of the population professes religions that are not considered traditional in Europe (for example Islam, which according to the Pew Forum on Religion & Public Life is followed by almost 3% of the population in EU Member States)^{iv} and which are still generally excluded from various forms of support reserved by the states for 'majority' religions.

While those who do not profess any religion suggest reducing the presence of religious communities in the public space, by contrast those who profess non-traditional religions argue in favour of this presence provided that they can enjoy the same advantages as those hitherto reserved to mainstream religions. The first group is

more likely to support a neutral public space, without any religious connotation, whereas the latter tends to be in favour of a plural public space that is inclusive of different religions. Traditional religions for their part have reasons to oppose both the neutrality and the plurality of the public space because, in the first case, the religion would be in danger of being confined to the private sphere and, in the second, they run the risk of losing their dominant position.

For all these reasons a complex and lively debate about the place of religions and beliefs in the public space is taking place across Europe. In this policy brief, after presenting the main policy models one can encounter in contemporary Europe when it comes to the governance of religious diversity, we move on to discuss religious symbols in the public space.

Basically, there are three main policy models for tackling the challenges posed by this transformation across the Union.

The first model allows for the dominant religion(s) in a country to be given a privileged position in the public space. It is considered to reflect the set of principles and values shared by the mainstream society. Italy is an example of this first approach.

The second model goes in the opposite direction. It is based on the conviction that national identity and social cohesion cannot be guaranteed by any religion, as none of them has the authority to serve as a unifying factor. From this perspective, state citizenship can only be built around a set of 'secular' principles – liberty, equality, tolerance, democracy and so on – that every individual and group must embrace irrespective of origin, preference or creed. These principles are expected to shape the public space, where every citizen can feel at home precisely because it does not contain any reference to the particular values or symbols of any religious, racial, ethnic, cultural or political community in the country. France is an example of this second approach.

The third model is more flexible and offers room for redesigning the public space in such a way that it reflects the plurality that is characteristic of the society concerned. This flexibility, however, is conditioned on respect for fundamental human rights and, in particular, the principle of non-discrimination. The need to find a balance between respect for human rights and protection of religious rights poses the main challenge and is therefore one of the most problematic elements of this model, as the UK experience shows.

These three policy models have deep roots in the history, culture and traditions of each EU Member State. It makes little sense to ask which of them, in abstract, is the best. It is more appropriate to ask in which direction each of them should preferably go to respond in a fair and sustainable way to the changes that are taking place in Europe. Since its very establishment, the European Union has shown support for the idea of 'Unity in Diversity'. Thinking of plurality as an added value is thus incompatible with a policy approach that would strive at assigning to religion and belief the same place and role in the public space all over Europe. The RELIGARE project subscribes to this stance: the existence of different national systems of relations between states and religions should in no way be considered in conflict with the EU integration process, provided that they stay within the confines defined by the respect of human rights and EU laws. The motto '**United in Diversity**' entails the two main

Finding a place for religion in the public space: Three European approaches

United in diversity

coordinates of this policy brief.

This policy brief focuses on two contentious issues that have provoked vivid discussions in different EU Member States over the last years. They both relate to **the place of religion and belief in the public space: religious symbols and, more specifically, religious dress codes**. Religious symbols have at times generated intense debates on the role that religions could/should play in the public space. The controversies on crucifixes in the classrooms and the construction of minarets in Germany, Italy, Switzerland and other European countries are illustrations in this respect. Such controversies are particularly lively concerning religious dress codes, that is, those dress codes that are required or prompted by a person's religious beliefs or practices (for example wearing headgear or a full-length burqa, covering the face or other parts of the body, wearing robes of a certain colour). Such clothing is forbidden in some EU Member States while it is allowed in others. In France for instance, laws 2004-228 and 2010-1192, together with the case law of the Conseil d'État, prohibit teachers and students from wearing religious symbols at school and the full-face veil is forbidden in all public spaces. Similar prohibitions apply elsewhere, though to a lesser extent of severity. Each Member State in its own way implements principles that are common to all parties to the European Convention of Human Rights (ECHR), which is the case for all EU Member States. The difference of approach – with some countries showing more leniency than others – is relevant for at least two reasons. First, it is a clear illustration of the motto 'Unity in Diversity'. Second and more problematic is the observation that differences generate legal uncertainty when it comes to implementing these principles, increasing the risks of discrimination within the EU space.

The research question: Are European countries meeting their commitments to religious freedom and plurality?

This policy brief focuses on two case studies: 1) the full-face veil and 2) the religious symbols and clothing worn by students and teachers at public schools.^v It addresses the following three questions: Are European countries meeting their commitments to respect the freedom of religion and belief in public spaces? To what extent do they manage to harmonise respect of non-discrimination and foster pluralism, which is "indissociable from a democratic society" (ECtHR, *Kokkinakis v. Greece*, no. 14307/88)? Would some action on the part of the EU enable these goals to be achieved?

KEY OBSERVATIONS

The polysemic nature of symbols

The data collected by the RELIGARE sociological research – through more than 150 interviews in Bulgaria, Denmark, France, the Netherlands, Turkey and the UK – confirm that, by its nature, a symbol is a complex reality embodying different meanings. In particular, the views expressed by respondents in Bulgaria and Turkey converge in affirming that the headscarf worn by some Muslim women is seen as a religious, cultural, political or traditional symbol depending on its design/style and colour, the way it is worn, the environment in which it is worn and so on. These answers indicate that a symbol (such as a cross, a veil or a kippa) hardly ever

has a single meaning ascertainable in objective terms, but carries a **plurality of meanings that, on a case-by-case basis, depend on both the person who displays the symbol and the perception of the person who is being faced with the symbol displayed.**

To clarify this point, imagine a woman who is in the streets of a city. She is wearing a veil. Passersby observe her. One of them interprets the veil as a religious symbol, another as a sign of the subjugation of women to male power, while a third might see it as an ornament that emphasises the beauty of the female face. One of the passersby, more curious than the others, asks her why she is wearing the veil. And the woman answers that she is wearing it because she comes from a family where women have always worn the veil, that she chose a green veil because green is the colour of Islam and also, she adds with a smile, because it matches the green colour of her eyes. In other words, the meaning of a symbol changes with the viewer's perception; the same symbol can be worn for different reasons by the person who displays it.

The pluri-functionality as well as the plurality of potential meanings bears legal relevance. Legislative attempts, either to permit or on the contrary prohibit religious dress, or impose conditions to the permission, should not be grounded in simplified views, nor in the assumption that a symbol always and everywhere has a univocal and objectively verifiable meaning. Although it cannot be excluded that in some cases the wearing of a full-face veil is a manifestation of fanaticism or the result of social pressure, RELIGARE data collected for Belgium and the Netherlands^{vi} indicate that in many cases the decision to wear it is taken freely and consciously by women. Similarly, the same symbol may acquire different meanings depending on the context in which it is displayed. When this context is the public space, the issue becomes particularly relevant from a policy point of view.

Deconstructing the concept of public space

What could be the difference between wearing a cross or a veil while walking in a street and wearing the same symbols while, for example, giving evidence in a courtroom? Both the street and the courtroom are indeed, broadly speaking, part of the public space. However, they have different functions. This observation should not be taken lightly. One of the recommendations the RELIGARE project advances is to **deconstruct the notion of public space** by making the following distinctions:

- the *common space*, that is, the physical space that people must necessarily enter to fulfil their basic needs (e.g. a street, railway station, bus);
- the *political space*, that is the space of debate and discussion where the public discourse takes shape (e.g. mass media, Hyde Park Corner); and
- the *institutional space*, that is the space where deliberations take place that are expected to lead to binding decisions and rules (e.g. parliament, the law courts).

These three spaces are not rigidly separated and frequently coexist and overlap, as in the case of schools that are political and institutional spaces at the same time. Nevertheless, their characteristics are helpful in addressing the issue of religious symbols in a way that is sensitive to the context in which they are displayed. The need to take the context into account has already

been underlined by the European Court of Human Rights (ECtHR decision *Ahmet Arslan v. Turkey*, no. 41135/98), where a distinction is made between wearing religious dress codes “*dans des lieux publics ouverts à tous comme les voies ou places publiques*” and wearing them “*dans des établissements publics, dans lesquels le respect de la neutralité à l’égard de croyances peut primer sur le libre exercice du droit de manifester sa religion*”. A context-sensitive approach to the display of religious symbols would require that the above-suggested typology be taken into account when it comes to regulation. Doing so is explained more in detail below in our recommendation concerning the full-face veil.

Acting in a private or public capacity makes a difference

Still, taking into account the context is not enough. It often happens that people who simultaneously occupy a single (public) space do so in various capacities: a state school, for example, is attended by both students and teachers but only the latter are employees of a public institution. Therefore, **the degree of freedom that is granted to students, who act in a private capacity, may be greater than that accorded to teachers.**

The historical contexts

The case law collected by the RELIGARE research project confirms this point: German case law, for example, is consistent in affirming students’ right to wear religious symbols at school and in denying the same right to teachers. This distinction is made also by the European Court of Human Rights in the case *Dahlab v. Switzerland*, supporting the dismissal of a teacher who wanted to wear an Islamic headscarf at school. The ECtHR decided that “as a civil servant, she represented the State; on that account, her conduct should not suggest that the State identified itself with one religion rather than another” (no. 42393/98; for similar conclusions, see also the ECtHR decision in the case *Kurtulmus v. Turkey*, no. 65500/01). Although some commentators disagree on the point that teachers represent the state or the school institution, the ECtHR’s position is shared by the majority of national courts.

The RELIGARE data indicate that (at least) **two normative ways of conceiving and organising the public space coexist in Europe**: one directed at limiting the presence of religious symbols in the name of the neutrality of the public space, and the other inclined to interpret the presence of these symbols as an expression of social and cultural plurality that, in itself, is not in conflict with the state obligation of neutrality. Yet a closer look at the RELIGARE data also shows that the options of the countries are differently motivated even when the legal rules are the same. The ban on wearing the full-face veil and religious symbols or clothing at school is rejected in the name of freedom of expression in Denmark, tolerance in England and Wales, non-discrimination in the Netherlands and tradition in Italy and Bulgaria, where Catholic and Orthodox religious symbols have a long history of presence in the public space and institutions. These different grounds help to explain why, in some countries, the symbols of the majority religions are much more visible in the public space than those of minority religions. In some German Länder (Bavaria, Hesse, Lower Saxony, North Rhine-Westphalia and Saarland), the ban on religious symbols does not apply to *Christian* symbols worn by teachers. Such examples of differential treatment – one sees here the risk of discrimination – represent a major challenge, in particular to those states that aim at guaranteeing the neutrality of the public space through the inclusion of different religious and non-religious conceptions, worldviews and practices.

The existing legal framework Concerning the place of religion and belief – whether faith-based or not – in the public space, the common legal framework that applies throughout the EU is primarily provided by the ECHR, as interpreted and elaborated by the ECtHR decisions. Two legal frameworks that are of relevance to the issues addressed in this policy brief are human rights as laid down in the ECHR (Art. 9) and the EU Charter (Art. 10) and non-discrimination as enshrined in EU Treaties and legislation (e.g. Council Directive 2000/78/EC and Directive 2000/43/EC). What happens in cases where the ground on discrimination is not so easily identifiable or self-standing? While the ECtHR has not yet had the opportunity to deal with the full-face veil issue, its case law on religious symbols and clothing at school is consistent. All the Court decisions published so far concerning the prohibition against wearing religious symbols/clothing at school, and which relate to France, Turkey and Switzerland, affirm that such prohibition is not in conflict with Art. 9 ECHR. This conclusion has been reached by extensively employing the principle of the margin of appreciation granted in this field to each state. In the case *Dogru v. France* (no. 27058/05, expulsion from school of a student wearing an Islamic headscarf), the Court notes that the French constitution explicitly affirms the secular character of the state. The Court concludes that “having regard to the margin of appreciation which must be left to the Member States with regard to the establishment of the delicate relations between the Churches and the State, religious freedom thus recognized and restricted by the requirements of secularism appears legitimate in the light of the values underpinning the Convention”.

RECOMMENDATIONS FOR POLICY-MAKERS

Religious symbols and clothing worn by teachers at public schools

Fostering tolerance and respect for pluralism is one of the most important goals of the educational process. This goal can be reached only if teachers provide education based on an impartial approach to the religious and philosophical convictions of the students and their parents (see Art. 2 of the First Protocol to the ECHR). This requires educating students to recognise the role played by religious and philosophical beliefs in individual and social life. At the same time, students – except in cases where the school identifies with a particular belief or worldview – should be shielded from any bias in favour of any specific manifestation of religious or philosophical beliefs on the part of the teachers. In performing their work, teachers enjoy the right to freedom of thought, conscience and religion, and cannot be prevented from manifesting their religious or philosophical convictions; however, these manifestations must respect the right of

students and (depending on the students' age) their parents not to be exposed to forms of indoctrination that violate their freedom of thought, conscience and religion.

For these reasons teachers can be prohibited from wearing religious symbols and clothing that, in a given context, have an 'indoctrinating' impact on students, provided that this prohibition is proportionate to the specific situation and is applied in a non-discriminatory way.^{vii} Considering that each educational context has its own specificities, it is sensible to adopt a **case-by-case approach that refrains from applying the same rule to different situations**. Such an approach offers more opportunities to take into account the distinctive circumstances that have an impact on the delicate balancing of teachers' and students' rights. At the same time, this case-by-case approach requires some guidance to ensure that it does not result in discrimination.

Recommendations

I. For the EU Commission

- a) In preparing the report required by Art. 19 of Council Directive 2000/78/EC, the EU Member States should be requested to provide the European Commission with detailed information about the practical implementation of the national provisions concerning the wearing of religious symbols by teachers in public schools and an assessment made of whether they respect Arts. 1 and 2 of the Directive.
- b) Building on best practices at the national, regional and local levels, common European guidelines should be prepared that primarily aim at helping public authorities of the EU Member States to address the issue of religious symbols worn by teachers at school in compliance with ECHR norms and EU laws. These guidelines could be based on a new European coordination mechanism, organised by an inter-DG team within the European Commission (led by DG Justice) through which relevant ministries of EU Member States, regional and local authorities, social partners and civil society organisations would regularly meet and exchange practices/experiences when handling legal and social dilemmas associated with these issues.

II. For EU Member States

- a) Member States should assess whether the practices with regard to wearing religious symbols or clothing by teachers in public schools respect the national provisions adopted pursuant to Council Directive 2000/78 EC.
- b) Training institutions should provide teachers with sufficient knowledge, skills and understanding to act in a respectful, impartial and professional way *vis-à-vis* the religious and philosophical convictions of students, avoiding any behaviour (including, where relevant, wearing religious symbols and clothing) that can result in their indoctrination.
- c) Monitoring mechanisms and procedures should be put in place that allow for the safeguarding of the right of teachers to manifest their religious and philosophical convictions (including the wearing of symbols and clothing) as well as

the right of students (and, where relevant, their parents) not to be indoctrinated.

- d) General prohibitions preventing teachers from wearing religious symbols and clothing at school should be avoided/discouraged, as long as it is possible to address the issue on a school-by-school basis, through the intervention of the school authorities.
- e) If political authorities deem a general ban on religious symbols and clothing worn by teachers necessary, they must formulate it in terms that are non-discriminatory and which limit the freedom of religion and belief of teachers as little as possible.

Religious symbols and clothing worn by students at public schools

Manifesting religious or philosophical convictions through the wearing of symbols and clothing by students at school is an expression of the right to freedom of thought, conscience and religion guaranteed by Art. 9 ECHR. According to ECtHR case law, such manifestation can be subjected only to the restrictions 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. As repeatedly affirmed by this Court, students have less potential of indoctrinating others than teachers: therefore **the right to manifest their religion or philosophical convictions through symbols and clothing can be limited only when it represents a concrete danger to the principles of tolerance and mutual respect** that are essential for any educational environment. Once again, each case has its own specificities that cannot be overlooked.

However, a general ban on religious symbols worn by students, though accepted by the ECtHR when a state wants to safeguard the secular character of its schools, may be problematic in relation to another fundamental principle: access to education. Moreover, it may also be seen as a missed opportunity to promote pluralism. For this reason a general prohibition should be enforced as the last resort, when it is absolutely necessary because other (less restrictive) actions are unable to address the situation adequately.

Recommendations

I. For the EU Commission

- a) Building on best practices at the national, regional and local levels, guidelines should be prepared that help the public authorities of the EU Member States to adequately address the issue of religious symbols worn by students at school, i.e. in compliance with ECHR norms and EU laws.
- b) In preparing the report required by Art. 19 of Council Directive 2000/78/EC, EU Member States should be requested to provide the European Commission with detailed information about the national provisions concerning the wearing of religious symbols by students in public schools that provide vocational guidance, vocational training, advanced vocational training and retraining, and an assessment made of whether they respect Arts. 1 and 2 of the Directive.
- c) In (further) negotiating the proposed “Council Directive on

implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation”, the European Commission should take into account the provisions concerning the wearing of religious symbols by students in public schools that are in force in the EU Member States and assess whether they constitute a form of discrimination according to Art. 2.2 of this draft Directive.

II. For EU Member States

- a) An assessment should be made of whether the practices with regard to the wearing of religious symbols or clothing by students at school fully respect the national provisions adopted pursuant to Council Directive 2000/78 EC as far as public schools that provide vocational guidance, vocational training, advanced vocational training and retraining are concerned.
- b) Consideration should be given to the possibility of establishing advisory bodies at the local level, with the participation of different stakeholders, which provide guidelines on the issue of religious symbols/clothing worn by students at school in a way that respects the specificities of each situation.
- c) Students’ rights to wear symbols and clothing expressing their religious or philosophical convictions should only be limited when such a restriction is strictly required to guarantee the carrying-out of school activities and no reasonable accommodation of the religious needs of the student can be envisaged.
- d) If political authorities deem a ban of religious symbols and clothing worn by students at school necessary, they must formulate the ban in terms that are non-discriminatory and which limit the freedom of thought, conscience and religion of students as little as possible.

Full-face veil in the public space

The issue of the full-face veil raises a particular set of problems. It affects the identification of a person. It not only concerns institutional spaces, but also extends to all public spaces. As a consequence, a ban on wearing the full-face veil affects the common space, that is the space where the fundamental freedoms granted to all citizens and persons residing on the territory of the EU are directly guaranteed and the scope for limitations is restricted. According to Art. 9 ECHR, the general rule governing this space is that wearing clothes that are part of a religious practice or manifest the religious and philosophical convictions of a person should not be limited unless the actual damage caused to the “usability” of that space by other people is proven, or there is a clear and present danger to public order or safety.

The RELIGARE research project focuses **on the problems that the full-face veil can cause to an orderly enjoyment of the common space**. There are situations in which seeing the face of a person is necessary (in the case of checking identity documents, for example), as well as activities that can be hindered by a veil covering the whole face (when driving a car) and occasions when a person appearing

with his or her face covered can create social alarm. In these and other instances, it may be legitimate to prohibit the wearing of the full-face veil in the common space on the basis of a concrete assessment of the damage that the use of such a garment can cause to the enjoyment (by all) of this space. This approach has been followed in Denmark, where a general ban on the full-face veil has not been adopted but where provisions forbid wearing it in specific places or when performing specific activities. Such an approach makes it possible to adopt measures that are proportionate to the characteristics of each situation individually, and to respect the individual's freedom of religion and expression.

Recommendations

I. For the EU Commission

- a) When (further) negotiating the proposed "Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation", the European Commission should take into account the prohibition against wearing the full-face veil in public spaces that is currently in force in different EU Member States and assess whether it constitutes a form of discrimination according to Art. 2.2 of this draft Directive.
- d) Taking into account the different practices followed in EU countries, guidelines should be prepared that can help the public authorities of those states to address the issue of the full-face veil worn in public spaces in compliance with ECHR norms and EU laws.

This policy brief was drafted by Silvio Ferrari (Università degli Studi di Milano).

ANNEX - RESEARCH PARAMETERS

Objectives

RELIGARE focuses on the challenges for state law posed by Europe's increasing religious diversity in four important domains of social life: **the family, the labour market, the public space and state support to religions.**

RELIGARE seeks to investigate and analyse which legal frameworks and instruments are best suited to guarantee respect for the rights of all individuals to freedom of thought, conscience and religion and to non-discrimination on grounds of religion or belief. In particular, the goal is to identify those responses that adequately balance the principles of equality and non-discrimination with the freedom of thought, conscience and religion, protected as fundamental rights. This goal also includes assessing whether these responses are bound to their national contexts or are relevant across Europe, and in particular identifying solutions flexible enough to accommodate the diverging historic and political contexts in the Member States.

Methodology

The project applies an interdisciplinary approach, combining legal and empirical methods. A **comparative legal approach** is used to analyse the law in **10 countries (Belgium, Bulgaria, Denmark, France, Germany, Italy, the Netherlands, Spain, Turkey, the UK)**. In order to evaluate how tensions are perceived and dealt with 'on the ground', in **6 selected countries (Denmark, Turkey, Bulgaria, France, the Netherlands and the UK)** **sociological interviews** with a number of key opinion-makers or stakeholders (e.g. religious or humanist leaders, judges or commissioners, lawyers or academics, politicians, NGOs, labour unions) are conducted covering issues and controversies related to the four domains of RELIGARE. The six countries provide a good cross-section of the historical and legal diversity of secularity in Europe. They also represent a wide range of systems for managing religious affairs, of socio-historical trajectories, of relationships to the construction of Europe and of experiences of religious diversity.

Expected Results

- To identify the various challenges in the four selected domains of social life.
 - To offer more accurate knowledge of underlying challenges and responses to specific concerns related to Europe's religiously pluralist condition, drawing from the various national experiences;
 - To identify and assess promising policy solutions and good practice and to offer concrete policy recommendations (to both European, national and local levels) based on perceived successful responses and national experimentalism.
 - To develop a number of tools, such as a comparative case law database with religious discrimination/freedom cases and commentaries and a comparative sociological study, which will be helpful for researchers, policy-makers and the public.
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Further reading	State of the art research papers and other work package reports are accessible at www.religareproject.eu . Three forthcoming books address more in-depth various themes related to the topic of this policy brief. They are S. Ferrari and S. Pastorelli (eds) (2012), <i>Religion in the Public Spaces. A European Perspective</i> , Farnham: Ashgate; A. Ferrari and S. Pastorelli (eds) (2013), <i>The Burqa in Europe</i> , Farnham: Ashgate; and S. Ferrari, S. Lavi and S. Last Stone (eds) (2013), <i>Religious Perspectives on the Public Sphere: Neutrality, Pluralism and the Secular</i> , Farnham: Ashgate.

ⁱ The RELIGARE Research Parameters are highlighted in the annex of this policy brief.

ⁱⁱ See the full report at http://www.pewforum.org/uploadedFiles/Topics/Religious_Affiliation/Unaffiliated/NonesOnTheRise-full.pdf.

ⁱⁱⁱ See p. 204 of the full report (http://ec.europa.eu/public_opinion/archives/ebs/ebs_341_en.pdf).

^{iv} See the interactive report on *The Global Religious Landscape* (<http://www.pewforum.org/global-religious-landscape-muslim.aspx>) or the full report at http://www.pewforum.org/uploadedFiles/Topics/Religious_Affiliation/globalReligion-full.pdf.

^v The definition of public school used here is the one proposed in the OSCE's *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools* (2007), that is, "a school whose organization, financing and management are primarily the responsibility of, or under the primary oversight of, a public body (state, regional, municipal, etc.)" (p. 20). The considerations and recommendations contained in this brief address public schools and do not necessarily apply to private schools, that is, to schools "in which, irrespective of whether it may receive degrees of support (including financial support) from public sources, matters of organization, financing and management are primarily the responsibility of the school itself, or of a non-public sponsoring body" (ibid).

^{vi} See J. Vrielink, S. Ouald-Chaib and E. Brems, "Boete voor het dragen van gezichtssluier onwettig" [Ban for wearing face veil] in *De Juristenkrant* 2011, nr. 223, 2; see also J. Vrielink, S. Ouald-Chaib and E. Brems, "Boerkaverbod" [Burqa ban] in *Nieuw Juridisch Weekblad* 2011, nr. 244, p. 398-414.

^{vii} The following remarks have been formulated primarily with pre-university educational institutions in mind. Even so, some of the recommendations also apply to universities, where the need to protect students from indoctrination is less pressing.