

Freedom of religion with regard to religious slaughter

20 October 2022



European
Commission

in partnership with



SUMMARY REPORT

‘Freedom of religion with regard to religious slaughter’

Brussels, Thursday, 20 October 2022

European Commission, Berlaymont

1. Context

The aim of the 2021 EU Strategy on combating antisemitism and fostering Jewish life¹, is, among other, to “ensure through policy and legal measures that religious groups or communities, including Jews, can live their lives in accordance with their religious and cultural traditions.” Jewish life deserves not only to be protected, but should be allowed to flourish in all its diversity. Jewish people express their Jewishness in diverse ways, through specific cultural, traditional and religious practices, one of them being kosher slaughtering of animals.

In line with EU law² the responsibility to ensure Freedom of Religion or Belief rests with Member States. According to its judgment on ritual slaughtering of December 2020, the Court of Justice of the EU acknowledged that Member States may adopt different rules based on the domestic context, while ensuring respect of Article 10(1) of the Charter³, by striking a fair balance between respect for the freedom to manifest religion and the protection of animal welfare, as set out in Article 13 TFEU and given specific expression to in Regulation No 1099/2009⁴.

The European Commission made clear, that the discussion did not concern the ongoing revision of Regulation No 1099/2009 as Art 3(4) on particular methods of slaughter prescribed by religious rites, was exempt from the revision process.

In many EU member states sustainable solutions to ensure practice of religion as well as animal welfare have been found. Jewish and Muslim communities emphasized that public debates about banning slaughter

¹ Adopted on 5 October 2021. [About the EU strategy \(europa.eu\)](https://european-council.europa.eu/media/en/press-room/pages/press-room.aspx?IPID=pr_21_1005).

² Under Council Regulation (EC) No 1099/2009, traditional slaughter is allowed to the extent required for the needs of the concerned religious communities, and stricter rules by the Member States need to be properly justified.

³ Art. 10(1): ‘Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.’

⁴ Article 13 TFEU

Freedom of religion with regard to religious slaughter

based on religious rules and prohibitions in some regions, had a significant influence on the daily lives of Jews and Muslims. According to the Second FRA Survey 2018, the prohibition of traditional slaughter would be a problem for 69% of Jews.

As part of the EU Strategy, the European Commission committed to facilitating the exchange of practices between public authorities and Jewish and Muslim communities regarding slaughter based on religious traditions, drawing on the experience of international organizations such as the UN, OSCE-ODIHR and the Council of Europe. Hence a conference on 'Freedom of religion with regard to religious slaughter' was convened by the European Commission on 20 October 2022 in Brussels, in partnership with the UN, OSCE and the Council of Europe. The conference also took place in the context of the regular structured dialogue with representatives of churches, religious, non-confessional and philosophical organisations, on the basis of the Article 17 of the Treaty on the Functioning of the EU.

The conference brought together about one hundred participants, representatives of Jewish, Muslim and other religious communities and organizations, representatives of EU Member States, special envoys and coordinators on combating antisemitism and anti-Muslim hatred, as well as representatives of international organizations and experts. The conference was conducted under Chatham House Rule.

2. Main concerns & issues raised by NGOs and religious communities

Opening remarks and keynote speeches were given by European Commission Vice-President for Promoting our European Way of Life, **Margaritis Schinas**, Federal Minister for the EU and Constitution at the Federal Chancellery of Austria, **Karoline Edtstadler**, Vice-President and Special Envoy on combating religious discrimination including antisemitism/Chair of the Working Group against Antisemitism of the European Parliament, **Nicola Beer**, US Special Envoy for Monitoring and Combating Antisemitism, Ambassador **Deborah Lipstadt** as well as the High Representative of the United Nations Alliance of Civilizations and UN Focal Point to Monitor Antisemitism, **H.R. Miguel Moratinos**.

At the outset of the meeting, religious and secular Jewish and Muslim participants alike, emphasized their **close cooperation** with regards to ensuring a life in Europe in line with their respective cultural and religious traditions.

Restrictive legislation impede halal and kosher slaughter alike. Access to **affordable and fresh meat** was pointed out as an important issue. According to the community, kosher meat produced within the EU is often limited to domestic use. This would mean that in some countries, supplies would become more limited and increase the cost of kosher food. Imported meat when important from outside the EU is already significantly more expensive. Finally, some countries apparently debate the prohibition of import of kosher meat altogether.

Religious participants point out that slaughter based on religious laws constitutes **only a small percentage of the meat production** of any country in Europe. Meanwhile, the participants also stressed that countries provide broad exemptions for cultural reasons to hunting.

Freedom of religion with regard to religious slaughter

It was acknowledged that the opposition to slaughter according to religious rules usually comes from a genuine concern for the well-being of animals. Initiatives by animal welfare activists were **not regarded as action resulting from bias** against Jews or Muslims.

Jewish community representatives pointed to the fact that the strict rules for kosher were **rooted in centuries of Jewish law**, which observant Jews must obey and cannot change. They argue that religious (kosher) slaughter, when performed correctly, is intended to bring a quick death and thereby also minimize pain at these last moments of life.

Some participants argued that even if animal welfare activists are leading the charge, rightwing and populist parties, that **play into antisemitic, anti-Muslim and anti-immigrant sentiments**, are enthusiastic supporters of such bills. Several far-right parties (such as FPÖ, AfD, FN) have bans on religious slaughter in their party programme. The Jewish community pointed to the fact that one of the first laws passed by the Nazis was a ban of kosher slaughtering.

The main challenge that emerged from the discussion was the **stigmatization and prejudices** that arises from public debate about bans, casting a shadow on the communities as backwards and cruel. Participants pointed to the resurgence of antisemitism and anti-Muslim hatred in Europe and worldwide in the last two decades. They acknowledged that the EU and international organizations had taken various measures to address the rise of hatred, but that they had omitted to acknowledge the challenge that a ban of kosher and halal slaughtering posed for the communities.

Religious leaders raised the need to **raise awareness and educate** public authorities on this issue. They see the need to accommodate an age-old religious practice while preserving an open, diverse, and tolerant society in which Jews, Muslims, and other religious minorities can survive and thrive.

Jewish and Muslim representatives emphasized that they are **not seeking to overturn laws** that mandate stunning, but only to secure a religious freedom exemption from this requirement.

Religious leaders also said that they face a similar challenge with regards to banning **non-medical male circumcision** or Brith Milah for Jews. They deplored the lack of distinction between non-medical male circumcision and female gender mutilation, which is to be condemned as a serious human rights violation because of its significant impact on women's bodily integrity.

Christian religious representatives echoed the worry about **shrinking space for religious practice**, noted the need for more education on the issue and more religious literacy in general, including among policy makers.

3. Main issues raised by the EU, US, UN, OSCE, EP and EU MS.

EU representatives stressed the importance of a legal solution to strike a fair balance between the respect for the freedom to manifest religion, and the protection of the welfare of animals. They recalled that Jewish and Muslim communities are part of a diverse and vibrant Europe and that the European Commission aims

Freedom of religion with regard to religious slaughter

to ensure that religious minorities feel at home in Europe and are able to live, practice and celebrate their faith like every other member of society – no different than Europeans who hold other religious beliefs or none. They stressed the importance to exchange good practices between Member States and learn from each other's experience. Balanced solutions that promote animal welfare while respecting religious traditions are possible within the framework of existing EU legislation

US representatives argued that at a time when we see rising antisemitism, anti-Muslim sentiment and xenophobia across Europe and elsewhere legislation banning religious slaughter reinforces the perception that members of religious minority groups are unwelcome in some countries.

The UNAOC representative stressed the need to work on national and international levels to find a solution to this issue. UNAOC representative proposed concrete follow-up as to organize a special session on this issue with the Council of Europe.

The OSCE representative stated the need to elevate this issue as it might not be well understood and its implications are not fully appreciated by the governments that control it.

The European Parliament representative stated that we need focused conversations between legislators, institutions, civil society and also member states and that EU level can help to coordinate, facilitate to balance these important rights for European citizens.

EU Member States representatives shared their best practices and policies in place. Some referred to a regular dialogue between state authorities, religious communities and animal welfare organisations.

One Member State has signed a Memorandum of Understanding with religious communities, which was assessed by an external auditor and successfully ensures the monitoring and control of all slaughter performed according to religious rules.

One Member State presented its upcoming legislation banning religious slaughter, explaining that there will be a consultation with communities concerned and that the Constitutional Committee in the Parliament will revise the legislation.

Two Member States authorities noted that religious slaughter is banned and there is consensus not to reopen the issue. There are specific derogations for indigenous groups and their traditional methods of hunting.

Other Member States authorities noted that the system in place allows for religious slaughter to take place.

One Member State stated that religious slaughter is banned in some regions and that the issue is highly politicized and likely to be part of political programs for the upcoming elections.

4. Follow-up.

The EU will be closely monitoring the 'shrinking space' for religious minorities. Possible follow up could include another exchange between Member States and religious minorities, possibly involving also animal welfare organisations.

Freedom of religion with regard to religious slaughter

UNAOC agreed to pursue the issue in a conference in Fez in 22-23 November 2022. UNAOC High Representative also pointed to a possible future resolution on the issue at the UN. The OSCE also signated the will to take the issue further.