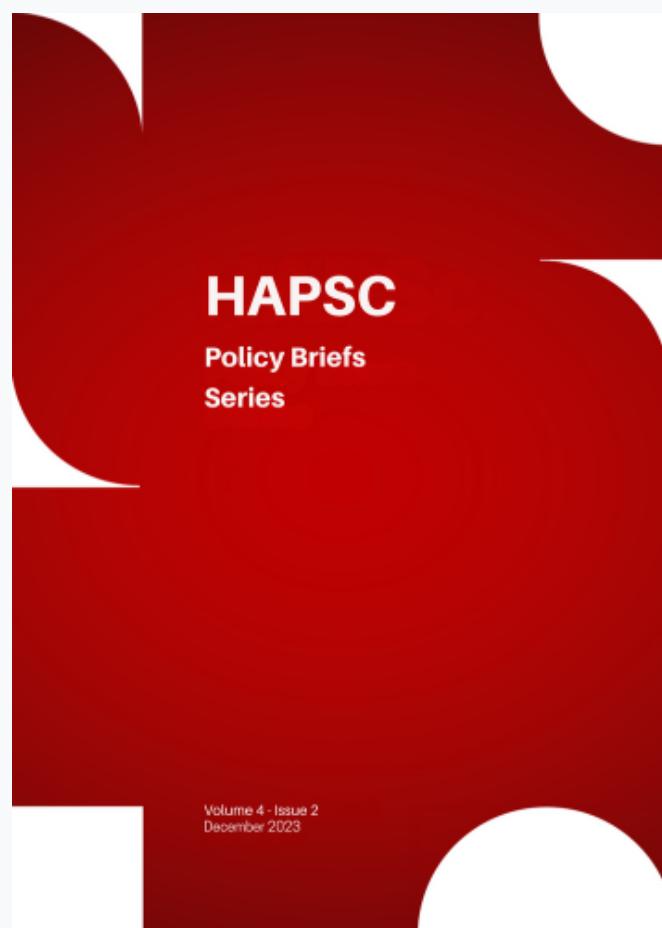


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**Social Policy: Religious Neutrality in a Multicultural World**

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## Social Policy: Religious Neutrality in a Multicultural World<sup>1</sup>

Ioanna Gkika<sup>2</sup>

### Abstract

Religious rights are an especially important aspect of social policy. This policy brief aims to inform the audience about the perception of some European countries about religious neutrality in multicultural societies. Is there a sharp vision that must be followed by all countries? Can the decision of the Court of Justice have absolute implementation in all countries? What can Greece do to establish its role as a multicultural country while avoiding the danger of social unrest?

**Keywords:** European Union, Religious neutrality, Court of Justice, Discrimination, Multicultural World, Human Rights, Legitimate Aim.

### Introduction

How can we secure multiculturalism, equal labor rights, and opportunities within the EU borders while avoiding the rise of radicalization? This question is immediately connected with the basic values of the European Union regarding human rights, democracy, equality, and dignity. Europe has suffered, through the years, from many extremist regimes and manifestations of violence frequently based on matters of religion. For that reason, we should highlight the effort of the union to eliminate these tensions and create a social model that will include religion while condemning every source of fanaticism and extremism.

Regarding this frame of solidarity and equality in the years of globalization we should undoubtedly refer to the decision of the Court of the European Union on the 13th of October 2022 on the topic of 'Establishment of a general framework for equal treatment in employment and occupation – Prohibition of discrimination on the ground of religion or belief – Internal rule of a private undertaking prohibiting any manifestation, in the workplace, of religious, philosophical or political belief – Prohibition including words, clothing, or any other means of manifesting those beliefs – Wearing of an item of religious clothing'. (L.F. v SCRL, 2022) This critical issue has aroused reactions as well as similar decisions made in other European countries such as France and Germany that provoke controversies on the matter of religion in a multicultural world. Considering the importance of the matter for policy makers, minorities, and European people we will analyze the issue in the context of Greece. To proceed to a further analysis, we should set as a common ground Article

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16 of the EU Charter of Fundamental Rights. “The freedom to conduct a business following the Union Law and National Law is recognized (2007/C 303/01) while we must agree with the court’s statement that “religions and beliefs should be regarded as a single grant of discrimination.”

## Main Aspects

On the 13th of October 2022, the Court of the EU ruled on the request for a preliminary ruling by the Belgian court on the dispute between L.F., the applicant in the main proceedings, and SCRL, the defendant in the main proceedings, a cooperative limited liability company whose main activity consists of the letting and operating of social housing, concerning the failure by that company to take into consideration the unsolicited application for an internship submitted by the applicant in the main proceedings on account of the latter’s refusal to comply with the prohibition, imposed by SCRL on its employees, on manifesting, in particular through their clothing, their religious, philosophical or political beliefs. The court decided that Article 2(2)(a) of Directive 2000/78 must be interpreted as meaning that a provision of an undertaking’s terms of employment which prohibits workers from manifesting, through words, clothing, or in any other way, their religious or philosophical beliefs. Whatever those beliefs may be, does not constitute, workers who intend to exercise their freedom of religion and conscience through the visible wearing of a sign or an item of clothing with religious connotations, direct discrimination ‘on the [ground] of religion or belief. For that directive, provided that that provision is applied in a general and undifferentiated way. In this term, everyone may have a religion or a belief so, there is no accusation of targeting specific religions since every form of expression is banned. (Cranmer, 2022).

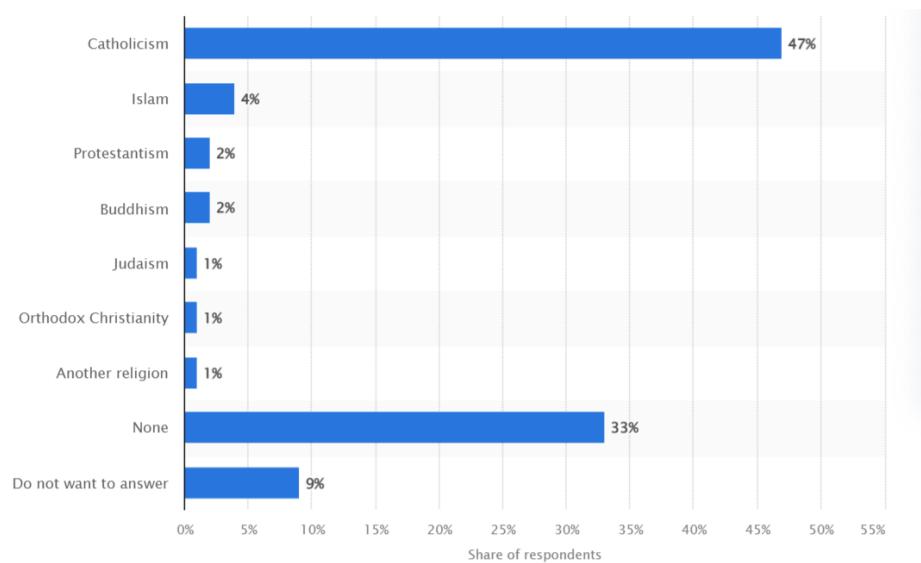
This decision reaffirms one of the main targets of the EU, to provide equal opportunities in a multicultural environment and protect basic human rights in the spirit of political neutrality and anti-discrimination. This is not the first time that the EU has worked on the matter of religious liberties but is surely, the most recent. Alongside, this analysis and before focusing on the matter at a national level, it is interesting to study the examples of two important countries for the EU, France, and Germany.

## France

France is a country with a high percentage of diversity in its population, a fact that reaffirms its multicultural structure. Specifically, when it comes to religion, we see from the figure below that there are most Christians with important percentages of other religions to follow. Considering the social structure, the French government has implemented laws to secure the separation of nation and religion. Therefore, in 2004 the French legislation banned “wearing conspicuous religious symbols

in French public (e.g., government-operated) primary and secondary schools" (Aziz, 2022). This law, as well as similar ones that were implemented in the following years {for example, the law of 2011 for banning full-face veils (burka and niqab) in public}, has aroused much opposition, especially from Muslims. Indeed, at first sight, this law might seem that eliminate the rights of religious minorities. At this point, it is interesting to refer to the Muller case (another case regarding matters of religious neutrality within the EU) where neutrality policy aimed to discriminate against certain religious groups with the rule of "non-use of big political signs". In this case, matters of direct discrimination arose. (Müller, 2010) However, we should focus on the matter from a comprehensive approach. French laws were implemented as an effort for the integration of minorities into French society while giving the opportunity -especially- to women to oppose any oppressive behavior imposed by third parties. But, to a considerable extent, we notice the effort of the government to ensure the division of nation and religion by enhancing secularism and clarifying that religion is a deeply personal matter that is related to delegate management.

**Figure 1: Religions in France**



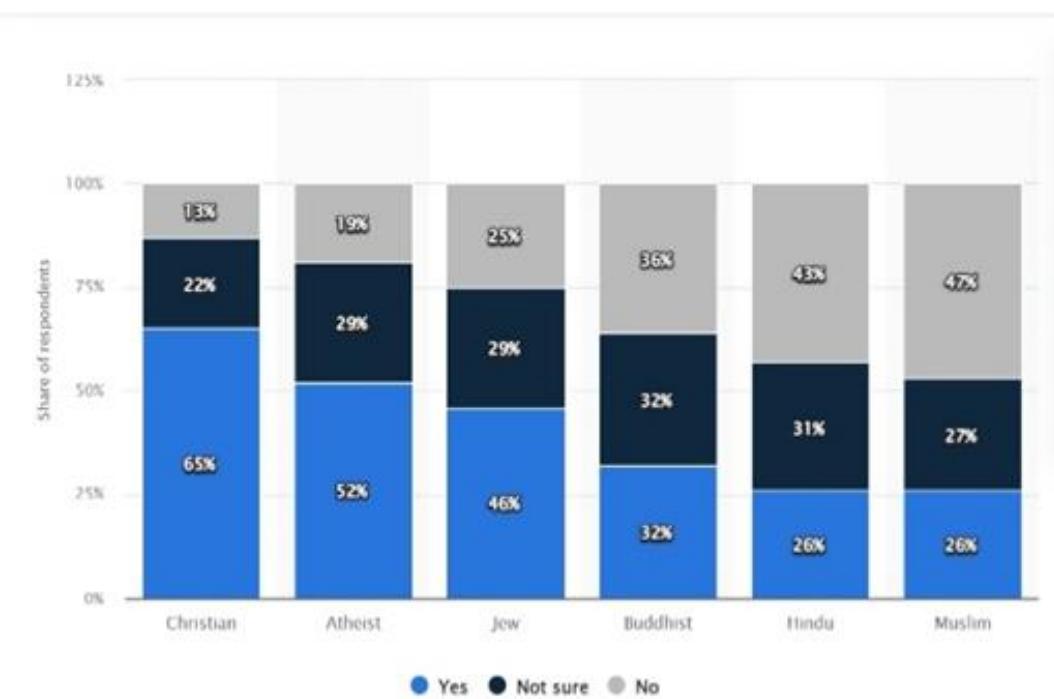
Source: Statista, 2021

## Germany

Germany, especially due to the high rates of immigrants that receives annually, is recognized as a multicultural country. Different nations and religions are called to live together in German society as we can see from the below data. Taking that into consideration and connecting it with the recent decision of the court of the EU, we should proceed to an overview of German legislation regarding the critical issue that we work on. In 2005, Germany introduced a law that banned wearing visible religious or ideological symbols or garments (except for small pieces of jewelry). The law referred to

teachers at public schools, police officers, judges, court officials, prison guards, prosecutors, and civil servants working in the justice system. Of course, the German constitution by Article 4 protects the freedom of religion. Germany has no state church and treats religions “neutrally” without showing samples of opposition or discrimination by giving the right to “self-determination” or religious communities.

**Figure 2: Religions in Germany**



Source: Statista, 2023

## Greece

Continuously, we should focus on the approach that Greece has to the matter. Greek constitution guarantees secularism and religious neutrality with Article 13. At the same time, it is widely known that Greek people are highly related to religion, and it is a big part of their culture and daily life, especially if we take into consideration the large population of orthodox people. The Greek state could not be able to be completely indifferent when it comes to religious matters. However, it is obvious that the Greek constitution is ideologically “neutral” and promotes pluralism through Article 25, par. 1 that guarantees human rights “as a person and as a member of the society as a whole”. Additionally, confirmed by articles 2 and 13 refer to democratic values and religious liberties as well as social and spiritual liberties. Consequently, the Greek constitution secures the ideological, social, political, and religious pluralism as well as other member states of the European Union. If we focus on the religious diversity in Greek society, 6 years ago we will see an increased majority of Greek

Orthodox. Through these 6 years, however, thousands of immigrants have crossed our borders with a high percentage of them considering Greece as their destination. Given the fact that Greek society has increased its percentage of multiculturalism, we should focus on developing practices that will cover the “emerging requirements.” With the term requirements we enclose the democratic values, the rise of multiculturalism, and the need for neutrality to avoid conflicts and radicalizations.

## Recommendations

After referring to the matter of religious neutrality in three different countries with different evidence for each, we understand how sensitive is that issue and how ambiguous remains. The recent decision of the European Court embraced that there is no “absolute right or wrong” aspect, the main concern of every European country should be the promotion and strengthening of democratic values and pluralism. Therefore, we proceed to several recommendations that can be implemented in Greece to secure a world of equality while following the model of other European countries.

- Firstly, when it comes to judicial proceedings, national courts, must examine every case carefully and by taking into consideration every detail. Of course, the case law of the Court of Justice can be a basic guideline, but the national court’s decision must be aligned with the social structure of the country.
- Secondly, to enhance secularism, we propose the banning of visible religious symbols in public services from public officials. Government structures must make the first step in the emerging world of neutrality. Considering the social status in Greece, this decision may raise objections, but we are referring to a more open division between secular authority and religion. In this way, religion will become a more personal matter.
- However, we understand that many dilemmas may occur since we refer to a very ambiguous issue that does not only have to do with the visibility of religious symbols. That is why a strategy of information and education should be operated by the government. Campaigns inform students, employees, and employers about what is religious neutrality, on what terms can be implemented and what are the positive effects of it.
- Finally, when it comes to labor policy and neutrality, we should highlight the need for it to be justified. For instance, employers must inform their employees about their policy and why they have chosen it before their recruitment.
- Regarding the latter statement, it is essential to clarify and emphasize that neutrality policies must occur with a legitimate aim and a crucial need on the part of the employer. Particularly, there must exist a precise and real risk for other protected constitutional

values or rights. At this point, we shall highlight the distinction between equal treatment rights and religious freedom (Mulder, 2022).

## Conclusions

In the conclusion of our policy brief, we must admit that the aspects of social policy regarding issues of religion in the 21st century are very wide. Our research focuses on the decision of the Court of Justice while analyzing the practices of two multicultural countries and taking them as examples that Greece may follow. Undoubtedly, the main concern of policymakers must be implementing laws that protect human rights in a multicultural world without provoking discrimination either directly or indirectly. Social constructions keep evolving and we must be ready to follow. This presentation may not offer enough information to a policymaker, but provides a vision that, in the immediate future, might be necessary. Yet, much research is needed, before making decisions but surely, Greece sooner or later will be called to form its place on the matter. It is important to remember that pluralism and protection of human rights must be our main awareness. “Our freedom stops where the freedom of others begins.”

## References

Aziz, S. (2022). France is on a dangerous collision course with its Muslim population. United Kingdom: CNN.

Cranmer, F. "Hijabs in the CJEU again: SCRL" in Law & Religion UK, 14 022, Available at <https://lawandreligionuk.com/2022/10/14/hijabs-in-the-cjeu-again-scrl/> (Accessed: 06/11/2023).

Department, S. R. (2021, February). statista.com Available at: <https://www.statista.com/statistics/996244/feeling-belong-religion-france/> (Accessed: 06/11/2023).

European Union: Council of the European Union, Charter of Fundamental Rights of the European Union (2007/C 303/01), 14 December 2007, C 303/1. Available at: <https://www.refworld.org/docid/50ed4f582.html> (Accessed: 06/11/2023).

Helmut Müller GmbH v Bundesanstalt für Immobilienaufgaben, C-451/08 (CJEU January 1, 2010).

Hunter-Henin, M. (2022). Religious Neutrality at Europe's Highest Courts: Shifting Strategies Available at <https://academic.oup.com/ojlr/article/11/1/23/6811795#395491044> (Accessed: 06/11/2023).

Ioannis Yagkinis. (2022). European Court: Legal prohibition of the headscarf.

Kastoryano, P. R. (2010). europa.eu. Available at [https://ec.europa.eu/migrant-integration/library-document/tolerance-and-cultural-diversity-discourses-france\\_en](https://ec.europa.eu/migrant-integration/library-document/tolerance-and-cultural-diversity-discourses-france_en) (Accessed: 06/11/2023).

L.F. v SCRL, C 344/20 (CJEU October 13, 2022).

Manitakis, A. (2019, February 28). The religious neutrality of the state in a pluralistic (and multicultural) society. Aristovoulos Manesis Group.

McEvoy, O. (2023, February 28). Perceptions on religious identity and being German in 2018. Available at: statista.com. (Accessed: 06/11/2023).

Mulder, J. (2022). Religious neutrality policies at the workplace: Tangling the concept of direct and indirect religious discrimination. WABE and Müller. *Common Market Law Review*, 59(5), 1501-1522.

Union, D. t. (2021). curia.europa.eu. Available at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2021-07/cp210128el.pdf> (Accessed: 06/11/2023).

Union, S. t. (2000). DIRECTIVE 2000/78/EC OF THE COUNCIL. Official Journal of the European Communities.

Vickers, L. (2017, March 15). Direct Discrimination and Indirect Discrimination: Headscarves and the CJEU. Oxford Human Rights Hub.

Vickers, L. (2021, July 29). Religious Discrimination and Headscarves – Take Two. Oxford Human Rights Hub.

Youthreporter (2021). Is Germany a multicultural or intercultural country? Available at <https://www.youthreporter.eu/de/beitrag/is-germany-a-multicultural-or-intercultural-country.17236/#.Y-piRnZBy5e> (Accessed: 06/11/2023).