

The participants of the ecumenical Conference 'Places of Worship and Religious Sites in Europe and the Middle East', organised by the Conference of European Churchesⁱⁱ and held under the auspices of His Beatitude, Archbishop Chrysostomos II of Nova Justiniana and all Cyprus, adopt the following

Communiqué on the legal status and protection of 'places of worship' and 'holy sites'

The participants,

- welcoming recent developmentsⁱⁱⁱ indicating an increased public awareness of the importance of 'places of worship' and 'holy sites' as an integral part^{iv} of Freedom of Religion or Belief^v as well as of their relevance for the common cultural heritage of humanity,
 - aware that such sites form an integral part of the fibre constituting individual personality and historic and cultural identity of peoples, wherefore their proper maintenance and use contributes to cohesion, whereas their desecration or destruction can cause severe trauma,
 - asserting that the relevance of sites with a religious or spiritual character cannot be reduced to their historic, artistic or cultural significance, but are part of the living memory and testimony of faith,
 - repenting the failure of Christians in our common history to respect and protect religious sites of other believers,
 - calling on solidarity with Christians and other believers suffering from intolerance, conflict and war that eventually causes damage to such sites,
 - and deeply concerned that many sites of religious or spiritual as well as of historic and cultural significance have over the past decades become again focal points of violence and intolerance and/or suffered from hostile acts, especially but not exclusively in conflicts and wars, both from states and from third parties,
- 1.) emphasise that any building (including, inter alia, churches, chapels, monasteries, synagogues, temples and mosques) or site (including, inter alia, monuments, cemeteries, routes of pilgrimage) should be regarded as a place of worship or a holy site,
 - if a religious community can legitimately claim either the right of property or otherwise the right to use of that site for religious rites or similar expressions or manifestations of religion, individually and collectively, and
 - if it has been specifically dedicated to such a purpose,
 - or has been traditionally used for such a purpose over a significant period of time,
 - or has a specific religious or spiritual meaning attached to it for one or more religious communities without prejudice to the property rights of others.
 - 2.) urge for a strong and effective protection of such sites in national as well as in international law from illegitimate interferences, such as the denial of access, the obstruction of religious ceremonies, damage, plundering and trafficking of artefacts, and destruction, both from a state and/or from third parties, giving special attention also to the prohibition of unlawful, disproportionate, discriminatory or otherwise unjust dispossession.

- 3.) call on all Members of the Conference of European Churches as well as on all other Churches and communities of religion or belief in Europe and the Middle East
 - to seek, in the spirit of peace and reconciliation, a common understanding especially in the handling of such sites that are of religious or spiritual significance to more than one denomination or religion,
 - to engage in dialogue on how religious actors can together raise political awareness for their importance while forestalling a politicisation of religious sites in conflicts,
 - to join in common action to defend each other's rights, with a special view to minorities.

- 4.) expect the European Institutions and the Member States of the European Union, in cooperation with other international actors^{vi},
 - to use the upcoming 'European Year of Cultural Heritage' (2018) to increase their efforts to ensure respect and protection for 'places of worship' and 'holy sites', both in EU law and in the Common Foreign and Security Policy;
 - to work towards a comprehensive international regime of legal protection, building on a better understanding of the fundamental right to Freedom of Religion or Belief, and including a common definition of such places and sites as well as legal remedies to ensure proper implementation. In particular, religious communities must be able to acquire or built, own and administer, maintain or restore, access and use such places.

References:

ⁱ Participants were coming from several EU and non-EU states in Europe, as well as from Turkey and the Middle East, for example the Holy Land and Syria.

ⁱⁱ A fellowship of 115 European Churches from the Protestant, Orthodox, Anglican and Old Catholic traditions.

ⁱⁱⁱ For example, in September 2016 the International Criminal Court found a person guilty of "the war crime of intentionally directing attacks against historic monuments and buildings dedicated to religion" in Mali; and in March 2017, the UN Security Council deplored and condemned "the unlawful destruction of cultural heritage, inter alia destruction of religious sites and artefacts".

^{iv} Cf. Article 6 (a) of the UN General Assembly's "Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief" (A/RES/36/55, 1981); the UN Human Rights Committee's "General Comment 22, para 4).

^v As enshrined in Article 18 of the Universal Declaration of Human Rights, in Article 18 of the International Covenant on Civil and Political Rights, and in European legal instruments such as Article 9 of the European Convention on Human Rights or Article 10 of the Charter of Fundamental Rights of the European Union.

^{vi} For example the UN Human Rights Council's resolution 6/37 (9e).