I want to thank Erin Wilson and the Centre for Religion, Conflict and the Public Domain for inviting me to be here today, and Dean von Stuckrad and the faculty of theology and religious studies for hosting this event. And thanks to all of you for coming.

The three societies I refer to in my title are the Netherlands, Canada, and the United States. These have generally been regarded as among the world’s most tolerant societies, although this has been less so for the Netherlands, and possibly the U.S., over the past decade or so. This presentation is part of a larger project in which I want to explore how the challenges of religious and cultural pluralism can push even the most tolerant liberal societies toward the limits of their own tolerance. Today I want to look at a few religious freedom issues that emerge out of the inevitable conflicts generated by our religious pluralism. I will frame these issues by means of two models of religion-state relationships and two models of tolerance.

Models of Religion-State Relations

The models of religion-state relations are strict separation and structural pluralism. In the strict separation model, religion is seen as private, religious groups operate without state interference or support, and the state remains neutral. The classic example of this model is the United States, and these principles are embodied in the First Amendment to the U.S. Constitution. In the United States, it is assumed that strict separation of church and state is the best way to protect religious freedom.

The structural pluralism model is more or less the opposite. Here, the state intentionally interacts with religious and non-religious groups, often supporting them in various ways, but it treats all of them equally and allows them as much autonomy as possible. The classic example of this model is
the Netherlands, where these principles are embodied in the tradition of state support for religious
schools, religious political parties, and in other ways. In the Netherlands, it is assumed that this sort of
cooperative pluralism is the best way to protect religious freedom. Canada falls in between these
models.

Models of Tolerance/Acceptance of Religious and Cultural Difference

The two models of tolerance I am using come from a European University Institute study of
tolerance and diversity in the Netherlands. This study actually identifies five models, but the first three
refer to earlier periods in Dutch history, so I will not use them today.

The first model is *multicultural recognition*. Under this model, groups are encouraged to keep
their distinct practices and identities, and the state helps this process by subsidizing group institutions
and in other ways. In the Dutch context, this sounds like the *verzuiling* or pillarization system that was
followed from 1917 until the 1960s. But in the European study, this model refers to the Dutch
multicultural policy from the 1970s until the mid-1990s, the period when the Netherlands came to be
seen as a model of multicultural acceptance. The Netherlands has moved away from this model, but
Canada has followed it since the 1980s.

The second model is what I will call *limited tolerance or liberal tolerance*. This model is based on
the idea that society must identify a set of non-negotiable core values, usually the values associated
with the modern liberal state, such as personal autonomy, freedom of expression, and equal rights
under the law, and then draw clear boundaries between things that are tolerable and things that are
not. Under this model, group autonomy is limited by individual rights. This model describes the
Netherlands since the late 1990s. The European Institute study refers to this model “Dutch liberal
intolerance,” though that name was meant to be descriptive rather than judgmental. It also more or
less describes the United States, although the U.S. has evolved in its own way toward a sort of
multicultural *modus vivendi*. 
The Religious Freedom Issues

The four legal issues I want to examine in light of these models are (1) accommodation of religious difference; (2) religious group autonomy; (3) state funding of religious schools; and (4) religious hate speech. I realize that this is far too much to address in any detail today, but I will try to identify the nature of the conflict in each of these areas and give you a sense of how they are approached in the three countries. Since these issues involve constitutional law, I have put the relevant constitutional language for each country on the handout. My working hypothesis is that the way these issues are addressed by the courts, what we might call the judicial discourse of religious freedom, is affected by each society's underlying assumptions about tolerance and about the kinds of difference it values or devalues. One of my questions is whether these issues can be better understood or explained if we look at them through the lens of these models.

1. Accommodation of religious difference

The first issue, then, is accommodation of religious difference. The basic legal question is: How far must the state go in accommodating religious practices that deviate from cultural norms or legal requirements? Or, to put it the other way around: To what extent are religious groups or individuals entitled to exemptions from general laws? These are important questions because the law inevitably reflects the perspective of the majority culture. Laws that appear to be neutral can create burdens for religious minorities, and accommodations can help protect their religious freedom. In terms of our tolerance models, the model of multicultural recognition would seem to favor accommodation in most cases, while the liberal model of shared core values would argue against it.

United States

The differences between these models are illustrated by two important cases from the U.S. Supreme Court decided nearly 30 years apart. The first case is Sherbert v. Verner, decided in 1963. A member of the Seventh Day Adventist Church was denied unemployment benefits by the state of South
Carolina because she refused to work on Saturday for religious reasons. This policy created a serious burden on her religious practice because it basically forced her to choose between her job and her religion. The Court said that she was entitled to an exemption unless the state could show a very strong justification for enforcing the law, such as creating an impossible administrative burden. That was not the case here, so denying her benefits violated her right to the free exercise of religion.

This approach was followed consistently in the U.S. for more than 25 years, although this does not mean that accommodations were granted in every case. But in 1990, in the case of *Employment Division v. Smith*, the U.S. Supreme Court abruptly changed course. Ironically, this case also involved a claim for unemployment benefits. The plaintiffs were members of the Native American Church, which uses peyote in its ritual practice. They were denied unemployment benefits because using peyote was illegal under state law. Under the approach of the *Sherbert* case, they would probably have been entitled to an exemption. But here, the Supreme Court abandoned the accommodationist principle. It said that as long as the law is neutral, it can be applied to everyone, no matter how large a burden it places on someone’s religious practice. Exemptions can be granted by the legislature, but they are no longer regarded as a matter of constitutional right. Most scholars in the U.S. think that the *Smith* case significantly weakened the legal protection available for religious minorities.

*Netherlands*

In the Netherlands, accommodation of minority religious practices is not a matter of constitutional law, as it is in the U.S. Certainly the right to freedom of religion and the right to be free from discrimination are protected by the Dutch Constitution. But in practice, most cases are brought under the Dutch Equal Treatment Act (*Algemene Wet Gelijke behandling*, or *AWGB*). Situations that might call for an accommodation are treated as discrimination cases. ETA section 5 prohibits discrimination in employment, while section 7 prohibits discrimination in education. I should say that there are similar anti-discrimination laws in the U.S. and Canada.
Cases under the ETA were handled by the Equal Treatment Commission (*Commissie Gelijke behandeling*) (*CGB*), although since 1 October 2012, this role has been taken up by the Netherlands Institute for Human Rights. I have not found any rulings by the Human Rights Institute under the ETA, but there are plenty of cases from the ETC. I’ll give just a couple of examples. In a case from 2008, a Muslim police officer objected to a new dress code that banned headscarves. The department said it wanted police officers to have a neutral appearance in their public roles. The ETC said the rule could be applied to officers who have direct contact with the public. However, this particular officer worked in an internal office, and applying the dress code to her constituted discrimination on religious grounds in violation of the ETA.

The ETC cases involving schools are similar. In two identical cases from 2011, the schools did not allow Muslim girls to wear a sports headscarf in gym classes. The schools said the rule was based on reasons of safety. The ETC said that safety was a valid concern, but here there was no evidence that these headscarves were unsafe. As a result, the schools violated ETA section 7 by not allowing the girls to wear them. Notice that Dutch law treats these as discrimination cases, but we can also think of them as situations that call for accommodating minority religious practices.

In the interests of time, I will not discuss the situation in Canada at any length. In general, Canadian law has been much friendlier to minority religious practices than the American courts. The language of accommodation is part of the Canadian public discourse on multiculturalism and minority rights, and the test used by the Canadian Supreme Court to determine whether an accommodation is required in particular cases is similar to the older view in the U.S.

2. Religious Group Autonomy

The second issue is religious group autonomy. The legal question here is whether religious groups must comply with anti-discrimination laws in their decisions about employment, membership, school admissions, and so on. The context is similar to the accommodation cases. The difference is that
here, the school or the employer claims that there should be no accommodation because its policy is based on religious requirements. These cases reveal a tension between the two models of tolerance. The model of multicultural recognition would seem to favor allowing as much group autonomy as possible, while the model based on shared liberal values would seem to favor individual rights against the group.

This tension is multiplied in societies like the Netherlands and the United States, where these core liberal norms are dominant. Religious groups that do not recognize the equality of women or oppose gay rights, for example, might be seen by the larger society as intolerant. So, one way of framing the question is whether the principles of religious freedom and group autonomy allow these groups to deviate from the cultural norm – in other words, whether they have a right to be intolerant. Interestingly, despite their different approaches to multiculturalism, the courts in all three countries have mostly supported group autonomy.

Netherlands

The Netherlands has the most interesting set of cases. The ETA is still the relevant law, but here the question is whether the institution qualifies for the exception granted in subsection (2) – section 5(2) for employment cases, and section 7(2) for school cases. (The two sections are basically identical.) Here, I want to pass over the ETC and look instead at a few important decisions from the Dutch courts.

The oldest case is Maimonides v. Brucker, decided by the Supreme Court in 1988. A boy who had a Jewish father was denied admission to an orthodox Jewish school because under the school’s interpretation of Jewish law, he was not Jewish. The Supreme Court upheld the school’s decision because its policy was directly related to its religious foundations and it was consistently applied. At that time the ETA did not exist, but the court said the school could rely on its freedom of education under Art. 23 of the Dutch Constitution.
The most important ETA case is probably the Amsterdam Court of Appeals’ decision in 2011 in a case from Volendam.14 A Catholic secondary school had a policy that students could not wear hats or other items of clothing that covered their faces. In 2010 the policy was amended to include headscarves. A Muslim girl who wore a headscarf was expelled, and her father filed a complaint. The Court of Appeals ruled in favor of the school, and said that under subsection 7(2), institutions have broad discretion to adopt policies they believe are necessary to fulfill their principles or preserve their religious identity. The Court pointed out that its interpretation of the ETA was different than the interpretation followed by the ETC. The Court’s approach expands the principle of religious group autonomy and appears to create more legal space for religious institutions to make their own choices about hiring and admissions. One interesting question is whether the Human Rights Institute will follow the court’s interpretation in future cases.

The most well-known case on religious group autonomy is probably the case involving the Staatkundig Gereformeerde Partij (Orthodox Reformed Political Party).15 This case is far too complex to discuss in detail, and I am sure you are more familiar with it than I am. I will simply summarize the basic ruling and try to put it in the context of my larger presentation.

There are two key factors in this case. First, as everyone in the Netherlands surely knows by now, the SGP’s rules prohibit women from being listed on the party’s electoral ballots. Second, like other political parties, the SGP receives a state subsidy. A group of women’s rights organizations challenged both the party rule and the state subsidy on the ground that they discriminated against women in violation of international law.

In its ruling in 2010, the Supreme Court said that the SGP’s rights to freedom of religion and association mean that it can hold any views it wants on the proper role of women. However, there are limits as to how these views can be put into practice. The SGP’s right to religious autonomy must be balanced against the right of women to be free from discrimination, a right which is especially important
in the context of elections. In this context, the prohibition against discrimination outweighs the SGP’s religious rights. The Court concluded that the government must take measures to make sure the SGP gives women the right to stand for election. However, the Court also said that it could not order the government to adopt any specific remedies. The SGP appealed to the European Court of Human Rights, but in July of 2012 the Court dismissed its appeal.\textsuperscript{16}

What happens next is not clear to me. In the 2012 general election, the SGP won three seats in the Tweede Kamer, one more than it held before. The party ballot had 30 names, all men,\textsuperscript{17} and as far as I know the government has not cut off its subsidy. Please correct me if I’m wrong about this. It is also not clear where this leaves the issue of religious group autonomy in the Netherlands. As a practical matter, the SGP case may be limited to its rather unusual facts. I doubt that this decision will have much impact on ordinary cases involving the autonomy of religious employers or religious schools.

\textit{Canada}

In Canada, the most important case is the \textit{Trinity Western University} case from 2001.\textsuperscript{18} Trinity is an evangelical school that requires its students to sign a statement promising that they will not engage in homosexual behavior. Because of this policy, the school was denied accreditation for part of its teacher training program. But the Canadian Supreme Court said that the university’s right to religious autonomy meant that it could not be denied accreditation simply because of its position on homosexuality. This might not be the result under all circumstances, but in this case there was no evidence that Trinity Western graduates would practice discrimination when they became teachers.

\textit{United States}

The most recent case from the U.S. involved the so-called “ministerial exception.” This rule allows religious communities to choose their own leaders without fear of discrimination claims. The idea is that we don’t want a Jewish synagogue, for example, to be charged with discrimination if it refuses to hire a PKN minister. The U.S. case involved a teacher at a religious school who was a “called”
teacher and formally recognized as a “minister” by her church. The teacher was on disability leave, and she claimed that the school discriminated against her because of her disability when it fired her rather than allow her to return. The Supreme Court ruled that the “ministerial exception” applied and the school could not be sued over the decision to fire her.\textsuperscript{19} This case is important in the U.S. because the Court said the ministerial exception is a constitutional right under the principle of religious freedom.

For purposes of comparative analysis, we should note that a similar rule is included in section 3 of the Dutch ETA, which exempts the internal decisions of religious communities from discrimination claims. It is not clear to me whether the exception in ETA sec. 3 would cover the teacher involved in the U.S. case. That would depend on the interpretation of “geestelijk ambt.”

3. State Funding of Religious Schools

The question of state funding for religious schools is a good subject for comparison because it is approached very differently in the three countries. This is where we see the sharpest differences between the two models of religion-state relationship.

In the Netherlands, as you know, state funding for religious schools has been part of the Dutch constitutional order since the Pacification of 1917, and Art. 23 of the Constitution affirms this tradition. This system is thought to promote religious freedom by ensuring that parents can send their children to the school they prefer, knowing that all will have the same basic resources and educational standards.

In Canada, both the process and the politics of funding religious schools are quite complex, but the basic constitutional structure is reasonably clear. In Ontario and Quebec, public funding of certain denominational schools is constitutionally required. This is a legacy of the Constitution Act of 1867 which created the Canadian confederation. Apart from this special rule, the Canadian Supreme Court has ruled that provinces are permitted to fund religious schools as long as they fund all religious and non-religious private schools on an equal basis.\textsuperscript{20} The point I want to emphasize is that in Canada, as in the Netherlands, public funding of religious schools is not thought to threaten freedom of religion or to
create any problems for the relationship of religion and the state. Both countries follow the structural pluralism model of religion-state relations.

The United States, on the other hand, follows the strict separation model. In the U.S., the constitutionality of school funding is analyzed under the Establishment Clause of the First Amendment. This clause forms the basis for the doctrine of strict separation, and it has no counterpart in Canada or the Netherlands. Under this doctrine, direct state funding of religious schools is not permitted. However, there is disagreement on whether the Constitution allows indirect funding for religious schools, such as aid for transportation or remedial programs in mathematics, for example.

The U.S. Supreme Court has decided many cases on this issue. The earliest cases applied the strict separation model strictly, and for fifty years the Supreme Court held most such programs to be unconstitutional. However, in 1997, the Court changed directions. In this case, Agostini v. Felton,\textsuperscript{21} New York City used public funds to allow public school teachers to teach part-time at religious schools. The Court applied the same constitutional test it used in earlier cases, but this time it allowed the program to stand. Since then, the Court has upheld most forms of indirect state aid to religious schools.

Most First Amendment scholars think the Supreme Court’s rulings in Agostini and in a series of more recent cases have significantly weakened the principle of church-state separation in the U.S. I think that is right, but a lot depends on the context. The experience of the Netherlands and Canada tells us that public funding of religious schools is not always a threat to religious freedom. Still, a public funding policy similar to that of the Netherlands or Canada would be unthinkable in the U.S.

4. Religious Hate Speech

The final issue I want to look at is religious hate speech. The constitutional issues raised by hate speech cases are not normally analyzed under the framework of religious freedom. Instead, they are treated as matters of freedom of speech and expression. But religious hate speech affects religious freedom because it can restrict the social and political space for religious minorities.
Hate speech cases offer excellent raw material for comparative analysis, and I want to look briefly at one recent case from each country. These cases have different settings. The Canadian and U.S. cases involve religiously motivated anti-homosexual hate speech; the Dutch case involves hate speech directed at a religious minority group. Canada and the Netherlands, like most Western countries, address these issues by means of hate speech laws. There are no comparable laws in the United States.

**Canada**

I’ll begin with the Canadian case, decided just this year (February 2013). In Canada, hate speech laws are found in the criminal code and in various anti-discrimination laws or human rights acts. Here are the relevant sections from the Canadian Criminal Code and the Human Rights Act from Saskatchewan, the law involved in the case.  

A man named William Whatcott circulated several anti-homosexual flyers with titles like “Sodomites in our public schools” and “Keep homosexuality out of Saskatoon’s public schools.” These flyers contained derogatory statements such as “Now the homosexuals want to share their filth and propaganda with Saskatchewan’s children” and “if Saskatchewan’s sodomites have their way, your school board will be celebrating buggery too.” Whatcott was charged with violating Saskatchewan’s Human Rights Code. He also regularly appeared in public places with signs denouncing homosexuality, but his public picketing was not part of the legal case against him.

In the Canadian Supreme Court, Whatcott argued that the hate speech law violated his rights to freedom of expression and freedom of religion, but the Court rejected that argument and upheld the judgment against him. What is important here is the way the Court balanced the competing interests. It began by affirming that freedom of expression is a fundamental principle of democracy; it promotes core democratic values such as the free exchange of ideas, open political discourse, and individual self-expression. But freedom of expression must be balanced against other basic values, including equality,
respect for group identity, and the inherent dignity of all human beings. Hate speech undermines these values because it delegitimizes members of minority groups in the eyes of society and makes it easier to justify discrimination. The Court concluded that hate speech laws are an appropriate way for the legislature to respond to these problems.

United States

The U.S. case, Snyder v. Phelps, has a similar set of facts, but the U.S. Supreme Court’s analysis of the legal issues is very different. The Westboro Baptist Church of Topeka, Kansas, is a small fundamentalist group well-known for its anti-gay public demonstrations. For several years, the church has been picketing funerals of American soldiers killed in Iraq and Afghanistan, holding signs claiming that God killed them as punishment for America’s tolerance of homosexuality. (Here are some images. As you can see, they even enlist their children in this work. I’ve seen this group in action, and I can tell you that these images are very disturbing.)

In the case, the family of the soldier whose funeral they picketed sued the church for defamation and other claims under tort law, and they were awarded a multi-million dollar judgment against the church. But this was overturned by the Supreme Court. The Court said that the church’s activity was protected by its right to freedom of speech because they were expressing opinions on important public issues. The fact that their actions caused harm to the family did not matter.

The result would almost certainly have been different under Canadian law, and probably under Dutch law as well. But in the U.S., the Supreme Court does not balance the right of free expression against other social values that might be harmed by hate speech. Instead, the Court gives priority to speech for its own sake. The Court said, “As a nation we have chosen a different course – to protect even hurtful speech on public issues to ensure that we do not stifle public debate.” The single dissenting justice pointed out that this kind of speech makes no real contribution to public debate. He thought
that freedom of speech should not be a license to engage in verbal brutality. But he was alone in this view.

_Netherlands_

This brings me to the Netherlands and the case of Geert Wilders. The relevant statutes are articles 137c and 137d of the Criminal Code. Art 137c deals with group defamation; 137d addresses incitement to hatred or discrimination. Wilders was charged under both of these, one count under 137c and four counts under 137d, for his statements about Islam and his anti-Islam film _Fitna_. More than thirty specific statements were included in the indictment. I’m sure you are familiar with these, but I thought showing a few of them might help the comparison with the Canadian and American cases. The first statement was part of the group defamation charge under art 137c; the others were part of the incitement charge under 137d.

“The heart of the problem is fascist Islam, the sick ideology of Allah and Mohammed as laid down in the Islamic Mein Kampf: the Qur’an.”

“We have to stop the tsunami of Islamitization. That hits us in our heart, in our identity, in our culture.”

“You feel that you are no longer living in your own country. A conflict is going on and we have to defend ourselves.”

“I’ve had enough of Islam in the Netherlands: no more Muslim immigration. I’ve had enough of the worshipping of Allah and Mohammed in the Netherlands: no more mosques. I’ve had enough of the Qur’an in the Netherlands: ban this fascist book. Enough is enough.”

The film was included in both charges.

As you know, Wilders was acquitted of all charges against him by the Amsterdam District Court. On the group defamation charge, the court said that Wilders’ statements insulted Islam as a religion but did not insult Muslims as a group of persons. Whatever you think of this distinction, the court was following the Supreme Court’s interpretation of art 137c in a case from 2009.

On the charge of incitement under 137d, the court said that several of Wilders’ statements came right to the edge of what is acceptable. But the court noted that Wilders made his statements as a
politician in the context of public debate, and in this context the boundaries of free expression should be larger.

For purposes of comparison, I should note that the court affirmed the principle that there are boundaries. The Netherlands Supreme Court discussed the limits of acceptable speech in its 2009 case, and it looked at rulings from the European Court of Human Rights in similar cases.\(^{26}\) And the Dutch hate speech laws were enacted in order to comply with international anti-discrimination law, which permits (and in some cases requires) states to restrict racist speech and other forms of expression that incite hatred or discrimination.

In principle, then, the Dutch approach to hate speech is similar to Canada’s. But different societies may reach different conclusions about where to draw the boundaries of acceptable speech, and the courts will still have to decide whether specific cases fall inside or outside them. In practice, the decision in the Wilders case makes me wonder whether Dutch law is moving close to the American model on this issue.

**Conclusions**

I’ll close by returning to the models I began with and offering a few tentative conclusions. One lesson we can take from all this is that there is no one right way to respond to religious pluralism or to protect religious freedom. These three countries are similar in many ways, but they have very different assumptions about the proper relationship between religion and the state and different understandings of tolerance. Yet all three have traditionally ranked among the highest in the world for protecting religious freedom – although the latest Pew Forum report on global religious freedom shows that the Netherlands has slipped a little and the U.S. has fallen dramatically.\(^{27}\) This tells us that we cannot take these freedoms for granted.

Another lesson, returning to my original working hypothesis, is that the different approaches to the legal issues I have addressed can be explained in part – or at least understood in part – by reference
to the model of religion-state relations and the basic understanding of tolerance each society starts with. For example, all three countries recognize the principle of religious group autonomy. But in the United States this is not done in the name of multiculturalism and equal respect, as it is in Canada, but rather in the name of religion-state separation, while in the Netherlands it is out of concern for discrimination. Meanwhile, in the U.S. approach to hate speech, there is no room at all for respect or tolerance. We might say that the U.S. Supreme Court – and by extension, U.S. society – is more tolerant of hate (and other forms of harmful speech) than it is of equal participation and mutual respect.

While the Netherlands has moved toward the liberal or limited tolerance model in recent years, my observation as an interested outsider is that the traditional Dutch tolerance has not disappeared. It is rooted in its historical self-understanding as a tolerant society, and it runs very deep. This is reflected in its approach to these religious freedom issues and in other ways that the models don’t always capture.

Canada seems to balance itself right on the edges of these models, trying to find a way to live simultaneously in both worlds, respecting its vast multicultural differences within a framework of fundamental rights. The Canadian experiment in multiculturalism is important for many reasons, not least of which is that it refuses to see these models as trade-offs in a zero-sum game.

Well, that’s enough. My ideas may well change as my work continues, but this is where I am at the moment. I look forward to hearing your questions and observations. Thank you.

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1 Stephen V. Monsma and J. Christopher Soper, The Challenge of Pluralism: Church and State in Five Democracies 2nd ed. (Lanham, MD: Rowman and Littlefield, 2009), 10-12.
2 Marcel Maussen and Thijs Bogers, Tolerance and Cultural Diversity Discourses in the Netherlands (European University Institute, 2012).
4 Section 27 of the Canadian Charter of Rights and Freedoms (1982) provides: “This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.” See also the Canadian Multiculturalism Act (R.S.C., 1985, c. 24 (4th Supp.), effective 21 July 1988.
12 See Maussen and Bogers, 14.
14 [de Vader] als wettelijk vertegenwoordiger van [de Leerlinge], wonend te Volendam v. Stichting Katholiek Onderwijs Volendam, LJN BR6764, Gerechtshof Amsterdam, 06 sept 2011.
16 *Staatkundig Gereformeerde Partij v. The Netherlands*, no. 58369/10 (ECtHR, 10 July 2012). The European Court of Human Rights has affirmed the principle of religious group autonomy in two recent cases. See *Fernandez-Martinez v. Spain*, no. 56030/07 (ECtHR, 15 May 2012)(decision of church authorities not to renew married priest’s teaching contract is strictly religious in nature); *Sindicatul “Pastorul cel bun” v. Romania*, no. 2330/09 (ECtHR, 9 July 2013) (group of Romanian Orthodox priests had no right to form a trade union against the wishes of their ecclesiastical leaders).
24 Rechtenbank Amsterdam 23 juni 2011, LJN BQ9001.
26 Several cases from the ECtHR affirm the enforceability of these laws in most situations. See Fact Sheet, ECtHR Press Unit, July 2013.