



Press Office of the Constitutional Court

Press release of 5 December 2019

AREAS FOR MOSQUES AND OTHER RELIGIOUS SITES: LOMBARDY REGION UNREASONABLY LIMITED FREEDOM OF WORSHIP

Religious freedom, protected by Article 19 of the Constitution, encompasses the freedom of worship and the associated right to spaces where this may be concretely exercised. Therefore, when regulating land use, the legislator must take into consideration the requirement to meet this need, and cannot in any event hinder the establishment of religious facilities.

This was held by the Constitutional Court, which, in Judgment no. 254, filed today (Judge Rapporteur: Daria de Pretis) accepted the questions raised by the Regional Administrative Tribunal of Lombardy Region and thus struck down two provisions on locating places of worship that had been introduced in Lombard town planning legislation (Law no. 12 of 2005) by Lombardy's Regional Law no. 2 of 2015.

The first provision (Article 72(2) of Law No. 12 of 2005) established that in order to open any new place of worship, a plan for religious facilities (*piano per le attrezzature religiose*, PAR) was required. The Court noted the absolute nature of the provision, which concerns all new religious facilities, without distinction, regardless of their impact in terms of town planning. The Court also mentioned the different treatment unreasonably reserved to religious facilities alone, and not to other secondary town planning works.

On the basis of the second provision struck down (Article 72(5)(2)), PARs could be adopted only in conjunction with a land management plan (*piano di governo del territorio*, PGT). In the Court's view, this necessary link and the municipalities' complete discretion in deciding whether to form a PGT made it the possibility of creating new places of worship entirely uncertain.

The challenged provisions thus led to a significant limitation on religious freedom, without this being related to any real interest in good territorial administration.

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