

HDIM 2013

Working Session 6: Freedom of religion or belief (specifically selected topic)

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Working Session 6 was devoted to freedom of religion or belief (FoRB). ODIHR Director Janez Lenarčič indicated that given the growing interest of participating States in this topic, ODIHR would intensify its activities in FoRB. The advisory Panel of experts on FoRB had just been renewed and new guidelines on recognition of religious and belief communities would be launched early next year. ODIHR would continue its in-country co-operation activities working closely with field missions. Ambassador Lenarčič also encouraged participating States to continue submitting legislation in this area to ODIHR Tolerance and Non-Discrimination Department.

The introducer, Dr. Andrew P.W. Bennett, Ambassador, Canada's Office of religious freedom, emphasized that freedom of religion was under increasing threat around the world, with one third of the countries implementing high or very high restrictions on freedom of religion, targeting those who manifested their religion, both individually and collectively. Many faced risk of imprisonment, torture or even death. Often, violation of freedom of religion was not the result of an overt act of government but more of its inability or unwillingness to protect the religious community. Despite our collective efforts, the extensive body of the OSCE commitments and good practices had not yet fully been implemented. The recommendations from HDIM 2012 were still relevant. In this context, human rights instruments were the only way forward, taking into account the broad definition of freedom of religion as defined in Article 18 of the Universal Declaration of Human Rights which encompassed also the right to change one's faith and to hold no religion or belief. Freedom of religion was not a theological issue but a human issue and human dignity had to be central in the implementation of this freedom. Lastly, Ambassador Bennett recalled that democracy, human rights, fundamental freedoms and rule of law were interrelated. These were not culturally specific but universal and all OSCE participating States had made commitments to them.

66 interventions were made after the introducer, of which 54 by civil society and non-governmental organizations. In addition, 12 participating States made use of their right of reply.

A number of participating States emphasized that FoRB was an individual right, that included all religions or beliefs, including those that had not been traditionally practiced, the beliefs of persons belonging to religious minorities, as well as non-theistic and atheistic belief. It was stressed that discrimination and persecution on the grounds of religion and belief continued to occur in parts of the OSCE area and that such violations of FoRB endangered social cohesion as well as internal and regional stability. When FoRB was at stake, other fundamental rights were under risk.

Some speakers noted that legislation pertaining to registration of religious communities was used by some participating States to stigmatize some religious communities which were forced to worship in illegality. Several NGOs pointed to several cases of imprisonment of priests as well as harassment campaigns against religious minorities in some participating States. Other representatives argued that traditional cultural values of participating States had to be respected; otherwise it would undermine the majority. Some NGOs condemned the police actions undertaken by some participating States to counter movements that were considered as sectarian, which was a way to discriminate some beliefs, while other participants emphasized the need to counter abuse of the weakness or vulnerability of people placed in a situation of psychological subjection by means of pressures or techniques designed to alter their free will.

Many participants brought forward the view that State should be strictly separate from the Church and should be careful to neither support nor disadvantage any religion. Neither should it involve itself in internal matters of religious groups, such as appointments of religious officers, or prevent parents from educating their children in the belief of their choice. Some expressed strong concern about the ban encompassed in some religions against apostasy, which represented an infringement to the right of every individual to change one's religion or belief.

Some NGOs reported about attacks on holy monuments. Several speakers pointed out the increase of religious intolerance on behalf of liberal values in some parts of the OSCE area while others underlined the importance of distinguishing the notion of tolerance from the concept of FoRB. Several NGOs referred to the EU guidelines recently adopted on FoRB as a good reference point. A group of delegations highlighted that intra- and interreligious dialogue, education and co-operation were key to fostering a climate of mutual respect, but they could not substitute the need to ensure the fundamental right of each and every individual to freedom of religion or belief.

One NGO touched upon the question of some anti-extremism laws, which broad definition of extremism led to persecution of religious minorities.

Several speakers expressed support for the vital contribution of ODIHR in the field of FoRB and welcomed the future guidelines which would be launched on status of religious communities as a positive concrete step to help participating States to fully implement their commitments.

Other issues that were raised by the speakers include the right to conscientious objection, the negative impact of anti-blasphemy laws, propagating beliefs unduly considered as incitement to hatred, harassment of LGBTI people in connection with some beliefs, and the need to return the confiscated holy sites and not to transform them into museums.

Ambassador Bennett concluded the working session by emphasizing that there was continued concern among participating States with modalities of registration of religious communities as well as with the respect for the right to change one's religion. There was a need to advance on freedom of religion and to combat any violation of this right as well as violence and persecutions. In this combat, the focus on human dignity was fundamental.

Recommendations to the participating States:

- Fully implement their commitments in FoRB as well as Article 18 of the International Covenant on Civil and Political Rights / Universal Declaration of Human Rights;
- Work closely with ODIHR and use its expertise;
- Strictly adhere to non-interference in internal affairs;
- Condemn and put an end to serious violations of FoRB in the OSCE area, release religious leaders;
- Abolish blasphemy laws, as well as any ban on apostasy;
- Establish an environment conducive to dialogue, diversity and tolerance;
- Consult religious communities in drafting and implementing legislation on FoRB;
- Support religious leaders in implementing the universal code of holy sites and support a UN resolution on this topic;
- Focus on FoRB as an individual right and not a collective right;

- Comply with the judgments of the European Court of Human Rights on FoRB;
- Release the administrative fees in case of non-registration.

Recommendations to the OSCE, its institutions and field operations:

- Focus on FoRB as an individual right and not a collective right;
- Clarify the standards and common practices in terms of registration of religious communities;
- Abandon the use of the term “Islamophobia” in ODIHR guidelines;
- Provide expertise to prevent conflict related to tolerance and FoRB;
- Review OSCE standards to take into account cultural values and in view of intolerance against Christians;
- Encourage practices which foster interreligious dialogue;
- Continue to review legislation pertaining to the status of religious and belief communities.