

**OSCE Supplementary Human Dimension Meeting  
Freedom of Religion or Belief  
Issues, Opportunities, and the Specific Challenges of Combatting Anti-Semitism  
and Intolerance and Discrimination against Christians, Muslims, and Members  
of Other Religions  
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**Session II: Revisiting the normative status and scope of the right to freedom of  
religion or belief – issues of conceptualization and the challenge of implementing  
OSCE commitments**

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Despite recent and less recent commitments – and the considerable work of the ODIHR – religious communities and believers still suffer violations of their rights on a daily basis from Vancouver to Vladivostok.

Undue restrictions and abuses persist against the registration of religious communities, so these are subjected to a number of limitations stemming from the lack of legal personality. Moreover participating States often do not respect the autonomy of religious communities in the regime that governs the access to legal personality, so the latter are prevented to freely select, appoint and replace their leaders or to decide on their internal rules, the substantive contents of their beliefs, their structure or name. Similar violations of the autonomy of religious communities may be also produced by certain anti-discrimination laws, which in addition can limit the right to hire and retain people in accordance to the communities’ views and interests.

Another worrying trend is represented by the fact that both East and West of Vienna individuals are more and more prevented to live and act in accordance with the dictates of their conscience. Especially West of Vienna it is widespread the false idea that religions are a negative fact, instead a positive factor for our democracies, and according to such trend religiously inspired behaviours should have no room in our societies, like in case of circumcision, ritual slaughter or conscientious objection.

The OSCE and its Participating States should reject the claim that a democratic and a pluralistic society have to remove the religion and its symbols from public life of citizens. A similar approach would be at odds with the very concept of religious freedom provided by the OSCE commitments. In this respect the UN Rapporteur on freedom of religion or belief

already noted some years ago that “it’s regrettable that societies with high level of income and education have openly expressed their aversion to see religious symbols in public”.

Let me bring a concrete example dealing with both the aspects I have just mentioned. In a participating State (which is known for its stance in favour of *Liberté, Égalité, Fraternité*) the requirement of perpetual, definitive and solemn vows in the statute of a congregation prevents this from acquiring the legal personality, on the basis that such a strong commitment of faith would be detrimental for the freedom of the congregation’s members.

With regard to the conscientious objection, it should be noted that participating States are required to recognize it, not only with regard to military service but also to other morally sensitive issues, provided that the access to lawful services is guaranteed. In our pluralistic societies conscientious objection is crucial to permit a coexistence of values: in this manner people who do not subscribe to certain majority views are fully entitled to coexist with those who do.

The right of parents to ensure the religious and moral education of their children in conformity with their own convictions is also called into question. Many participating States provide – or intend to provide – in public school compulsory teachings on ethical or religious subjects, promoting values that may conflict with moral or religious convictions. Such teachings are praiseworthy, but States cannot pursue an aim of indoctrination and children cannot be forced to a teaching that is not consistent with the convictions of their parents.

Finally it should be noted that if freedom of religion or belief rightly protects also the non-believers, an anti-religious atheism, which preaches the need to remove the religion from public life, should not be welcomed. In this respect I find appropriate to remember that during the CSCE Follow-up Meeting of Vienna it was not reached the consensus on the proposal WT.78 that would put the right of practicing religion on the same footing of the preaching of atheism that asks to eradicate and prevent the propagation of religion. A similar approach would be at odds with the very concept of religious freedom provided by the OSCE commitments, which protect the religious phenomenon as such.

One of the main challenges facing defenders of freedom of religion or belief today is convincing people that in a secular age religious freedom is an important right worth to be protected. The exercise of religious freedom by all constitutes both an element of personal fulfilment and a contribution to the good of society. Only the full respect of this freedom could guarantee the free and full development of our democratic societies, since the States, through active promotion religious freedom, foster the growth of people in freedom and in moral integrity.