



Forum 18 News Service <http://www.forum18.org>  
*The right to believe, to worship and witness*  
*The right to change one's belief or religion*  
*The right to join together and express one's belief*

### ***Working Session 10 - Freedom of thought, conscience, or belief***

In the Astana Commemorative Declaration, Heads of State or Government of participating States reaffirmed "our full adherence to the Charter of the United Nations and to all OSCE norms, principles and commitments" and their "responsibility to implement them fully and in good faith". Reiterating "our commitment to the concept, initiated in the [Helsinki] Final Act, of comprehensive, co-operative, equal and indivisible security, which relates the maintenance of peace to the respect for human rights and fundamental freedoms", Heads of State or Government stated "that human rights and fundamental freedoms are inalienable, and that their protection and promotion is our first responsibility" and that "greater efforts must be made to promote freedom of religion or belief".

So it is a tragic irony that Central Asia is the part of the OSCE region where the worst violations of these politically binding commitments take place. Among common factors in the serious freedom of religion or belief violations taking place in Central Asia and elsewhere are two: fear and state control.

FEAR. Throughout Central Asia and elsewhere in the OSCE region people involved in independent civil society activities are targeted by participating States. Taking Uzbekistan as just one of far too many examples, the state's violations of human rights, along with widespread poverty, have fuelled the appeal of extremist and terrorist groups and increased the prospect of violent instability. Torture is "routine", to quote the UN Committee Against Torture. Women and men detained to punish them for their religious activity by the police or NSS secret police can be targeted by male officials with overt or implied threats of sexual violence. Forum 18 has found that - for very good reason - it is unusual for male and female victims - including children - to want to document their experiences publicly, for fear of state reprisals, because of the traumatic nature of their experiences, and because of strong social pressures against women in particular speaking out about male violence.

In a fairly typical incident - the location of which and belief involved are confidential - women detained during a police raid were threatened with having their clothes forcibly removed, being tortured with electricity, and then pictures of them being raped by male criminals being made public.

Jehovah's Witness paediatrician Gulchehra Abdullayeva has complained to four Uzbek state agencies and the United Nations over torture she says police inflicted on her in July this year. Abdullayeva stated that officers made her stand facing a wall for four hours with no food or water in the summer heat. They then placed a gas mask over her head and blocked the air supply. The police chief in Hazorasp in Khorezm Region refused to discuss her account of torture with Forum 18. Asphyxiation with a gas mask - known in police slang as the "little elephant" - is a common torture. "The detainee has the impression that the officers are going to kill them", an Uzbek human rights defender told Forum 18. "Even the strongest person can hold out for no more than 30 seconds."

Violence used against people exercising their religious freedom - including Muslims, Christians and Jehovah's Witnesses - also involves "informal" methods. These include severe beatings leading to concussion accompanied by police pressure on hospitals not to treat victims, and threats of physical and sexual violence. Following one such incident, in which police filmed violence they used against Russian Orthodox women, including one with disabilities, a state-backed news agency attacked the women by name, describing them as "Two-faced Januses" and "hypocrites".

This leads to a climate of fear, where the authorities do not need to use a specific threat of torture to enforce their will. Last October, the Baptist church that the authorities allow to exist in Angren was raided by police during a meeting for worship. Later, two teenage women were questioned at a police station, and threatened that they would be in police records and thrown out of school if they kept coming to church and didn't write statements against the Pastor. They stopped going to church and wrote the statements - and I hope none of us here would criticise those women for doing that.

Fear cuts two ways. Some participating States are themselves afraid of any independent civil society activity. This points to a second common factor in serious human dimension commitment violations:

**STATE CONTROL.** In a number of participating States - including all those in Central Asia - the exercise by groups of people of the human dimension fundamental freedom of religion or belief is banned, unless state permission for this has been given. Under the binding international human rights standards participating States have promised to implement, no state has any authority to require such permission for human rights to be exercised. The participating States which break their human dimension commitments in this flagrant way routinely accompany this restriction with others designed to impose even greater state control of civil society. Azerbaijan, for example, regularly increases punishments for exercising freedom of religion or belief. From December, Criminal Code Article 167-2 has banned: "Production, sale and distribution of religious literature, religious items and other informational materials of a religious nature with the aim of import, sale and distribution without appropriate authorisation" - i.e. without passing compulsory state censorship.

The Helsinki Final Act and other commitments repeatedly note that fundamental freedoms - such as the inseparably linked freedoms of religion or belief and of expression - are not granted by participating States. "Civil, political, economic, social, cultural and other rights and freedoms all ... derive from the inherent dignity of the human person." It is safe to suggest that, if the authors of such ideas were Azeri, the State Committee for Work with Religious Organisations would ban their publication - especially if the authors worked to implement and defend these ideas in practical ways in Azerbaijan. A group like those of us in this room working "according to a prior conspiracy" can be punished by fines of between 7,000 and 9,000 Manats (equivalent to between 74 and 96 times the monthly minimum wage), or imprisonment for between two and five years. Most authors would think very hard indeed about what they wrote, faced with those penalties. One official defended state censorship by saying: "If we allowed publications freely there'd be anarchy. Books have influence". Ideas - such as those in OSCE human dimension commitments - can indeed be dangerous for oppressors.

Among Azerbaijan's other human dimension violations, all "Islamic religious entities" are forced to belong to the Caucasian Muslim Board. This again breaks human dimension commitments, as no state has any authority to decide how religious communities organise themselves.

There is not the time to detail other serious freedom of religion or belief violations in the OSCE region. These include but are not limited to: Kazakhstan's systemic closures of religious communities including churches, mosques and all Ahmadi Muslim places of worship; Russia's targeting of Muslim readers of the works of theologian Said Nursi and Jehovah's Witnesses with literature bans and criminal prosecutions under "anti-extremism" legislation; the same participating States' raids on meetings for worship of Protestants and Jehovah's Witnesses - including the midnight bulldozing last month of a Moscow Pentecostal church and threat to prosecute the Pastor for holding a worship meeting in the ruins; Armenia's jailing of 31 conscientious objectors, with 2 having been jailed in August despite European Court of Human Rights judgments; Belarus' denial of freedom of religion or belief to political prisoners of conscience; and Tajikistan's almost complete ban on religious activity by children up to the age of 18, and mosque closure campaigns.

Fear and state control are challenged by the human dimension commitments. To implement them, recommendations for participating States and OSCE institutions would include:

- freedom of religion or belief violations to be seen not only as attacks on particular people or communities, but also as attacks on the fundamental rights and freedoms of all people;
- insisting that the politically binding human dimension commitments are for implementation by all participating States;
- OSCE institutions and field operations mainstreaming the fundamental human right of freedom of religion or belief for all and its related human rights in human dimension work;
- and participating States implementing in full legal reviews and opinions provided by the Venice Commission and the OSCE/ODIHR Advisory Council of Experts on Freedom of Religion or Belief.

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