



Supplementary Human Dimension Meeting

FREEDOM OF RELIGION OR BELIEF

09-10 December, 2010

Hofburg, Vienna

ANNOTATED AGENDA

Background

Thirty-five years after the Helsinki Final Act, freedom of religion or belief remains a solid pillar of OSCE human dimension commitments. OSCE participating States have consistently reaffirmed Principle VII of the 1975 Helsinki Final Act, which commits them to “recognize[ing] and respect[ing] the right of the individual to profess and practice, alone and in community with others, religion or belief in accordance with the dictates of his own conscience.” Subsequent documents have strengthened this right.¹

The relevance of these commitments was once again reaffirmed in the context of the Supplementary Human Dimension Meeting (SHDM) on Freedom of Religion or Belief, held in Vienna on 9-10 July 2009. Participants in this event recognized that OSCE commitments play a fundamental role in responding to the challenges to freedom of religion or belief in the OSCE area. They have also encouraged ODIHR to continue providing its assistance through the OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief, and participating States to take full advantage of such assistance.

States, civil society, religious or belief communities, and individuals across the OSCE area address issues related to freedom of religion or belief on a daily basis. Participating States translate the general principles and specific requirements of OSCE commitments on freedom of religion or belief into legislation, when necessary, and execute laws and policies. On this basis, religious communities enjoy the right to organize their life in accordance with their principles, through for instance the training of their leaders. Individuals can observe holidays and days of rest according to their religion or belief.

¹ See, e.g., 1983 Concluding Document of the Madrid Follow-up Meeting; 1989 Concluding Document of the Vienna Meeting; 1990 Document of the Copenhagen Meeting; Decision No. 4/03 Tolerance and Non-Discrimination (11th OSCE Ministerial Council, Maastricht, 1-2 December 2003), Decision No. 12/04 (12th OSCE Ministerial Council, Sofia, 6-7 December 2004), Decision 10/05 Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding (13th OSCE Ministerial Council, Ljubljana, 5-6 December 2005), Decision No. 13/06 on Combating Intolerance and Non-Discrimination and Promoting Mutual Respect and Understanding (14th OSCE Ministerial Council, Brussels, 4-5 December), Decision No. 10/07 Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding (15th OSCE Ministerial Council, Madrid, 29-30 November 2007).

Because of the importance that freedom of religion or belief has gained in the OSCE context throughout the years, the OSCE *acquis*, both practical and normative, on freedom of religion or belief is extensive. This SHDM on Freedom of Religion or Belief offers another opportunity for an exchange of views and experiences on local and national policies and practices, in a comparative perspective, on different aspects related to the implementation of commitments.

15.00 – 16.00 **Opening Session**

16.00 – 18.00 **Session I: OSCE Commitments on Freedom of Religion or Belief: Emerging Issues and Challenges**

Issues related to religion or belief are making the headlines of newspapers, are debated on radio and television programmes, and set the agenda for social networks across the OSCE area. Religion seems to have an ever more public dimension. In addition, fast dissemination of information and the world's increasing religious diversity have the potential to amplify discussions and debates and have repercussions throughout the OSCE area.

Two decades after the adoption of the Vienna Concluding Document, it is important to devote attention to emerging issues and questions related to freedom of religion or belief. These emerging issues include, for instance: the relationship between equality and non-discrimination and freedom of religion or belief; questions of autonomy of religious or belief organizations; challenging issues such as the relationship between freedom of expression and freedom of religion or belief; and the implications of security requirements on the exercise of freedom of religion or belief.

This first session will offer the opportunity for a broad exchange of views on the status of freedom of religion or belief in the OSCE region. Speakers and participants in this session will be asked to engage in a review of commitments, with particular attention to emerging issues and challenges facing States, civil society, religious or belief communities and individuals in the OSCE area.

Issues to be discussed:

- To what extent are OSCE participating States fulfilling their commitments to ensure and promote freedom of religion or belief?
- What are the main issues or obstacles arising when implementing the commitments?
- What are the emerging questions regarding freedom of religion or belief?

- What measures can be undertaken to further support efforts of participating States to implement their commitments? How can ODIHR and the Advisory Panel assist participating States?
- How can OSCE Institutions, field operations and other international actors effectively promote the implementation of the commitments in the area of freedom of religion or belief?

Day 2

10.00 – 12.00

Session II: Education and Religion or Belief

Freedom of religion or belief is a fundamental human right which includes the freedom of individuals to manifest their religion or belief through worship, teaching, practice and observance, both alone and in community with others. Teaching is one of the most sensitive areas in the sphere of freedom of religion or belief for those concerned about the transmission of values to the next generations.

OSCE commitments call on participating States to “respect the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions” (Vienna Concluding Document, Principles, Paragraph 16.7). Connected to this, are the rights of persons belonging to national minorities to “conduct religious educational activities in their mother tongue” (Document of the Copenhagen Meeting, Paragraph 32.2) and rights of “individual believers and communities of believers to acquire, possess, and use sacred books” (Vienna Concluding Document, Principles, Paragraph 16.9).

In matters related to education and religion or belief, the rights of the parent, the child, and the teacher, as well as the interests of religious and minority communities and of society as a whole are at stake. There is a wide variety of practices regarding the implementation of OSCE commitments in this field in the OSCE area, in both private and public schools.

One practice is the teaching of particular religious doctrines by teachers who are selected from within that religious community. The United Nations Human Rights Committee has acknowledged that public schools can be involved in this teaching of religion or belief, noting that it would be consistent with human rights commitments to do so, insofar as “provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents or guardians” (UN Human Rights Committee,

General Comment No. 22).² Some States provide for non-denominational teaching about religions and beliefs in public schools. On this issue, the UN Human Rights Committee has affirmed that freedom of religion or belief “permits public school instruction in subjects such as the general history of religions and ethics if it is offered in a neutral and objective way (UN Human Rights Committee, General Comment No. 22).

Issues to be discussed:

- To what extent are participating States fulfilling their commitments regarding education and religion or belief? What are the main challenges?
- What are the different models of implementation of commitments in the area of education, religion or belief in the OSCE area?
- How is the autonomy of religious or belief communities best respected in relation to education and religion or belief? What is the interplay with the rights of the child and the parents?
- How can commitments related to education and religion or belief be applied in a non-discriminatory manner?

14.00 – 16.00 **Session III: Religious Symbols and Expression**

The implementation of OSCE commitments in the area of freedom of religion or belief concerns mainly the area of the manifestation of a religion or a belief, both in private and public. The display of religious symbols falls within the scope of the manifestation of a religion or belief. According to the UN Human Rights Committee, General Comment No. 22, “[...]worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including [...] the display of symbols[.] [...] [T]he observance and practice of religion or belief may include [...] the wearing of distinctive clothing or headcoverings.”

As a manifestation of freedom of religion or belief, the display of religious symbols may be subject to limitations on the part of the State for reasons of public safety, order, health, or morals or the fundamental rights and freedom of others.

The acceptance of religious symbols in the public sphere varies greatly from State to State. This session will explore the different legislation and policies adopted by participating States, looking also at possible reasonable accommodations that have been devised, as well as at principles of equality and non-discrimination.

Issues to be discussed:

² UN Human Rights Committee, General Comment No. 22 (48), The Right to Freedom of Thought, Conscience and Religion (Art. 18), (Forty-Eighth Session, 1993), UN Doc. CCPR/C/21/Rev.1/Add.4(1993).

- What are the main challenges that participating States face in fulfilling their commitments related to the freedom to manifest a religion or belief through religious symbols?
- What are the different models adopted in the OSCE area?
- How can the relationship between religious symbols and permissible limitations be reconciled?
- How can religious symbols be protected from acts of intolerance?

16.00 – 16.30 Break

16.30 – 17.30 **CLOSING SESSION**

17.30 Reports by the Working Session Moderators

 Close of Day 2