

HUMAN DIMENSION IMPLEMENTATION MEETING
22 September to 3 October 2014
Warsaw, Poland

Rapporteur's report
1 October 2014

Working session 14: Fundamental freedoms II, including freedom of thought, conscience, religion or belief

Rapporteur: Ms. Hilde Austad, Permanent Delegation of Norway to the OSCE

No. of statements:

Delegations: 14

Civil Society: 45

OSCE Inst./Int'l Org: 0

Rights of Reply: 17

The working session 14 addressed the topics of freedom of thought, conscience, religion or belief (FoRB).

Laureline Fontaine, Introducer said that FoRB is challenging to implement in practice. Problems are caused by the lack of political will. She stressed that all creeds are protected, including atheism and agnosticism. Ms. Fontaine outlined the history of FoRB as a human right in France. The link between a natural right and an obligation on State authorities is far from clear-cut. Reasoning from the perspective of philosophy of law, she described the building of a non-violent and stable society as the fundamental purpose of law. Thinking that all individuals can have the same way of thinking, creates violence. FoRB ensures stability and non-violence.

Many speakers stressed that Freedom of Religion or Belief (FoRB) is closely linked to other rights, as freedom of expression and freedom of assembly and association. It is equally important for people of all religious beliefs, and for people with no religious belief. States must protect persons, but not religions as such.

The point was made that recognizing the freedom of religious communities does not reduce the freedom of others.

An important problem in certain countries is restriction on registration of religious groups. There can be demands for a certain number of signatures to register, or administrative conditions that pose problems. Holding religious meetings without registration is not allowed. Some groups have experienced homes and places of worship being raided, literature confiscated and religious property confiscated.

Participating States were urged not to use anti-extremism laws or anti-terrorism laws as a pretext to restrict legitimate religious activity.

States were also urged not to use the reference to traditional values to restrict enjoyment of human rights.

Conscientious objectors face problems in several participating States, as there is no alternative to compulsory military service. They were often sentenced to prison sentences, sometimes repeatedly. However, positive changes to the law was observed in one participating State.

In some participating States, anti-blasphemy laws cause problems for people of other religious beliefs and people with no religious belief. The right to change one's religion was mentioned by some speakers.

Non-believers felt discriminated in certain strongly religious participating States.

Some participating States informed that they had changed restrictive laws. However, representatives of civil society stressed the importance of ensuring that these changes were implemented at the local level in all parts of the country. Education of local public officials and local religious representatives is key. For example, access to burial sites could be a problem locally. Also the right of assembly of religious minorities and police protection of minorities locally.

In one area that has come under the control of another participating State, religious minorities are experiencing problems. Places of worship are raided and the rights of religious minorities are not respected.

National laws on issues involving personal beliefs and values can cause problems of conscience for health personnel and others. This should be taken into account in the organizing of tasks for people in these occupations.

Some participating States thanked ODIHR for useful publications and for assistance in changing laws or initiating inter-faith dialogues.

Recommendations:

- State recognition should not be a prerequisite for the practicing a religion or belief;
- ODIHR/VC Joint Guidelines should be promoted;
- Harassment of religious groups, including through abuse of anti-extremism laws, should be stopped;
- Alternative service laws must be adopted by pS that do not have them yet, and conscientious objection must be decriminalized;
- Important to also protect non-believers and proponents of secular beliefs.
- To take action against violent foreign fighters returning to Europe;
- To repeal anti-blasphemy laws;
- Urge pS to do more to enable protection of the rights of religious minorities in Syria and Iraq;
- An updated version of the ODIHR Guidelines for Review of FORB Legislation should be developed;
- The right to leave or change religion should be protected as a core element of FoRB;
- Encouraged pS to take concrete steps to promote tolerance and respect for diversity and multiculturalism through education.