



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*

Fundamental freedoms I, including freedom of thought, conscience, religion or belief - WS12

The OSCE is a security organisation, human dimension commitments from the Helsinki Final Act onwards¹ stressing that national and international security and human rights depend on each other. In the 1990 Charter of Paris for a New Europe heads of state and government stated: "Human rights and fundamental freedoms are the birthright of all human beings ... Their protection and promotion is the first responsibility of government ... Their observance and full exercise are the foundation of freedom, justice and peace". Commitments such as Kyiv 2013 reinforce this, "emphasizing the link between security and full respect for the freedom of thought, conscience, religion or belief". This is not least as it is interlinked with the rule of law and other fundamental freedoms such as expression, association, assembly, and the right to be free from torture. Yet as Chairperson-in-Office Frank-Walter Steinmeier noted in this conference: "in many countries human rights and their defenders are under pressure. But lasting stability cannot be achieved without respect for human rights".

Indeed, UN Special Rapporteur designate on Freedom of Religion or Belief Ahmed Shaheed stated this month that the greatest need for the freedoms of religion and belief, expression, association, assembly is implementation, a point his predecessor Heiner Bielefeldt has repeatedly fully underlined. Dr Shaheed also noted from his own Maldives experience the importance of a genuinely independent judiciary and parliament, something that the experience of the OSCE region strongly reinforces.

The need for implementation was shown by Russia's July restrictions under the guise of "anti-terrorism" on sharing beliefs and increased "extremism" punishments. There were widespread Russian protests against the changes, which restrict those who can share beliefs to people with permission from state-registered belief organisations. This is a breach of the international human rights law clearly outlined in the *OSCE ODIHR/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities*². The changes also: ban informal sharing of beliefs by individuals on their own behalf; restrict beliefs that can be shared; restrict the places where beliefs may be shared; and ban any beliefs from being shared in residential buildings. The changes also bar the conversion of residential property to religious use - something which very many belief groups do across Russia.

The "anti-terrorism" changes are now being used, the first two prosecutions being of a Baptist pastor running a children's camp and a Hare Krishna devotee handing out literature on a street. One of the later prosecutions, which also illustrated the denial of the rule of law, was the rushed arrest, trial while being denied his own lawyer, and fine of around one month's average salary of a Baptist who in his own home the same Sunday morning preached and led a group singing songs. There is also a possibility that the police may have planted some of the evidence for the unusual Sunday trial.

The changes also increased so-called "extremism" legal punishments, which have for over a decade been the biggest single threat to Russians' freedom of religion and belief. The 2002 "Extremism" Law and related Criminal and Administrative Code articles are regularly used against belief communities and individuals. Repression - including jail sentences and literature bans - is mainly focused on two groups: Jehovah's Witnesses (some of whose local organisations have been banned), and their adherents, congregations, and publications; and Muslims who study the works of Turkish theologian Said Nursi. Individuals of other beliefs, including atheism, have also been targeted for alleged "extremism", although such cases are so far rare. The UN Human Rights Committee expressed concern in April 2015 "that the vague and open-ended definition of 'extremist activity' in the Federal Law on Combating Extremist Activity does not require any element of violence or hatred to be present and that no clear and precise criteria on how materials may be classified as extremist are provided in the law", and "the law is increasingly used to curtail freedom of expression, including political dissent, and freedom of religion".

¹ http://www.forum18.org/archive.php?article_id=1351

² <http://www.osce.org/odihr/139046>

State control of society is the goal of other participating States also, using alleged “extremism” to justify violating commitments. These include Kazakhstan, whose regime (like Azerbaijan’s) claims an alleged “religious tolerance”, despite freedom of religion and belief violations including: closing all non-Sunni Hanafi and other mosques outside state control, and all belief communities with less than 50 members; increasing numbers of Muslim and Christian prisoners of conscience jailed for their faith, who experience trials with planted evidence and torture; stringent book and bookshop censorship; and a new draft “Anti-Extremism” Law, proposing more censorship of religious literature and controls on foreign pilgrimages. This was rapidly produced after the authorities’ arrest and jailing of many who took part in nationwide land privatisation protests, and after shootings in Akobe. The regime immediately blamed “the non-traditional religious movement Salafism”, without producing evidence.

It was said at a 2014 HDIM side event on Kazakhstan and Kyrgyzstan that calling for commitment implementation was an “extremist” commitment to human rights. But is that “extremism” a problem?

Kazakhstan’s commitment to “dialogue” is shown by its human rights violations and ludicrous claim to have won almost 98 per cent of April 2015’s “election” vote, and state intimidation of people wanting dialogue with the UN Special Rapporteurs on both Freedom of Religion or Belief, and Freedom of Peaceful Assembly and of Association. Similarly, Tajikistan banned Central Asia’s only belief-based political party, the Islamic Renaissance Party, after a March 2015 “election” found by OSCE election observers to be neither free nor fair. Other violations include: banning all exercise of freedom of religion or belief without state permission; severe limitations on mosque numbers and the activities allowed inside them; and arbitrary official actions, including arrests of Jehovah’s Witnesses using police *agent provocateurs*, and closing all Islamic religious schools. Absurdly, an official claimed at a July 2016 OSCE-government joint training event for parents that it is “taking solid preventative measures” against Violent Extremism and Radicalization that lead to Terrorism.

Vaclav Havel commented on such regimes: “Because the regime is captive to its own lies it must falsify everything”, observing that “it is a world of appearances trying to pass for reality”. To echo or appear to support unreal claims signals that reality and the implementation of OSCE commitments is unimportant. This is dangerous, as implementation is essential for the OSCE’s comprehensive security.

So it is essential to approach freedom of religion and belief in international human rights terms and link implementation with fundamental freedoms such as expression, assembly, and association. A split into isolated categories of ‘Anti-Semitism’, ‘Muslims’, and ‘Christians and Members of Other Religions’ does not reflect reality, promotes negative stereotyping, and discourages co-operative responses. It is like splitting election observation into isolated observer groups: for government voters; for opposition voters; and for those who do not vote. It is far more constructive to focus on the freedom in freedom of religion and belief, as an empowering freedom for everyone with the other fundamental freedoms.

What else can constructively be done? Implementing OSCE human dimension commitments has been shown, for example in the north of Ireland, to be a highly effective way of addressing the root causes of insecurity. So participating States, OSCE institutions and field operations, and civil society could:

- insist that human dimension commitments³ are implemented in full by all participating States;
- mainstream freedom of religion or belief work within an all human rights for all perspective, firmly linking implementation of the freedom of religion or belief with other fundamental freedoms such as expression, assembly, association, and the right to be free from torture;
- insist in line with human dimension commitments that the non-negotiable first and most effective step to ensure security is fully implementing fundamental freedoms commitments;
- challenge the misuse of concepts such as “anti-terrorism”, “extremism”, “religious tolerance”, and “dialogue” to disguise human dimension commitment violations;
- use tools such as the *EU Guidelines on the promotion and protection of freedom of religion or belief*⁴, the *OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association*, the *OSCE Guidelines on Freedom of Peaceful Assembly, and on the Protection of Human Rights Defenders*.⁵

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³ http://www.forum18.org/archive.php?article_id=1351

⁴ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137585.pdf

⁵ <http://www.osce.org/gsearch?qr=Guidelines>