

Osservatorio per la Tolleranza e la Libertà Religiosa “Giuseppe Dossetti” Observatory for Religious Tolerance and Freedom

**OSCE Supplementary Human Dimension Meeting
Freedom of Religion or Belief
Fostering Mutual Respect and Understanding
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Session I: Freedom of Religion or Belief and fostering mutual respect and understanding in the OSCE area - opportunities and challenges

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The recent adoption of the Ministerial Council Decision No. 3/13 represents undoubtedly another success story in the longstanding commitment of the OSCE and its participating States on the protection of freedom of religion or belief. But despite many 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.

Especially East of Vienna undue restrictions persist against the registration of religious communities and these are therefore subjected to a number of limitations stemming from the lack of legal personality (such as acquiring property for a place of worship or establishing educational institutions for training clergy and so forth). In this respect the recently launched *Guidelines on the Legal Personality of Religious or Belief Communities* represent a benchmark document containing minimum international standards at disposal of those involved in drafting, reviewing and applying the relevant legislation.

The autonomy of religious communities is equally violated. Participating States often do not respect this autonomy in the regime that governs access to legal personality of such communities, 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. At this regard, let me note that according to indivisibility, interdependence and interrelation of the human dimension commitments, those on preventing and combating intolerance and non-discrimination cannot be used or interpreted in a way that could restrict freedom of religion or belief: freedom in fact cannot be sacrificed on the altar of tolerance.

Another issue of serious concern are the hate crimes and incidents perpetrated against places of worship and other religious properties in the whole OSCE area. Data collected by the ODIHR show us that these phenomena are the most recurring crimes and incidents motivated by religious hatred. Therefore participating States are called upon to fully implement their commitment to adopt policies to promote respect and protection for places of worship and properties of all religious communities, benefiting from the expertise of the ODIHR in this field. At this regard, I would note that – especially after the transfer of the freedom of religion or belief portfolio to the Human Rights Department – a close cooperation among the ODIHR's departments is crucial in order to guarantee a comprehensive approach in protecting freedom of religion or belief and combating religious intolerance and discrimination.

Moreover, both East and West of Vienna individuals are prevented to live and act in accordance with the dictates of their conscience (a right recognised already by the Helsinki Final Act). Especially West of Vienna it is more and more 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, such as in case of circumcision or ritual slaughter.

In the same way the right of everybody to identify him/herself through religious symbols and attire is not fully guaranteed. The UN Human Rights Committee has repeatedly sustained – by arguing from the article 18 of the International Covenant on Civil and Political Rights – that freedom of religion or belief encompasses the right to display religious symbols and wear religious attire in public space. We should always bear in mind that, according to the VII Principle of the Helsinki Final Act, in the field of human rights and fundamental freedoms participating States should fulfil their obligations as set forth in the International Covenants on Human Rights.

The right of conscientious objection is challenged too, in different ways. 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 fact 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, even if this is doubtless encompassed in the right to religious freedom, 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.

Freedom of religion or belief derives from the inherent dignity of human persons and protects their transcendent dimension. Only the full respect of this freedom could guarantee the free and full development of our democratic societies.