



**PERMANENT MISSION  
OF TURKEY TO THE OSCE**

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Freedom of thought, conscience, religion or belief is a vital pillar on which democratic societies are founded. It is for this reason that the participating States have committed themselves to “recognize and respect 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”. This right, in its religious dimension, constitutes one of the defining elements that make up the identity of believers.

Foundations of a democratic society, while safeguarding the right of believers to exercise the freedom to manifest their religion or belief on the one hand, but on the other equally requires the believers to respect the right of expression of the others who criticize their religion or belief. There is no dispute that questioning and criticizing ideas, beliefs or religions only add to the progress of the mankind. Believers must be conscious that they have no ground to ask for

exemption from criticism directed at their beliefs. They must tolerate and accept the denial by others of their religious beliefs and even the propagation by others of doctrines hostile to their faith.

However, such criticism contributes to the public debate in ways capable of furthering progress in human affairs only if it is made in a manner that doesn't humiliate, and therefore harm the religious feelings of believers at large. Where imparting of information or ideas, including through artistic expression is incompatible with respect for freedom of thought, conscience, religion or belief of others, States should be mindful of their responsibility to ensure the peaceful enjoyment of these rights by the holders of those religions or beliefs.

It is well worth recalling that the European Court of Human Rights (*Case of Otto Preminger Institute vs. Austria*) rightly pointed out, “The respect for the religious feelings of believers as guaranteed in Article 9 of the Convention can legitimately be thought to have been violated by provocative portrayals of objects of religious veneration; and such portrayals can be regarded as malicious violation of the spirit of tolerance, which must be a feature of democratic society”. Democratic society is affected if humiliating and abusive attacks are directed towards reputation of a religious group and the symbols making up their identity. We need to draw the conclusion from the verdict of the court that it is the duty of the person seeking to avail himself of his freedom of expression to show due diligence that his statement or any form of his expression do not aim

at or result in insulting the believers irrespective of whether they constitute a group of religious majority or minority. Equally, it is the responsibility of the State to introduce appropriate legal and administrative measures to ensure that peaceful enjoyment by believers of their religion or belief is not disturbed.

It is for this reason that while impeding the enjoyment of the freedom of thought, religion and conscience, which is safeguarded by the Turkish Constitution, is a criminal offence; disparaging religious beliefs in a manner conducive to violation of social peace also constitutes an act punishable by the criminal law.

We share much of the points addressed and concerns raised in the EU statement, in particular with regard to intolerance and discrimination based on religion or belief. We differ in the qualification of hostile acts directed towards religious feelings of people as a “mere criticism”. The widespread legitimate indignation triggered by such acts should have taught us by now that humiliation of religious feelings is not to be underestimated.