

**OSCE Supplementary Human Dimension Meeting
July 9-10, 2009
Hofburg, Vienna**

Joint Statement of NGOs

General Contribution

Observatory for Religious Freedom, Spain

Alliance Defence Fund, United States et. al.

Paneuropa Union, Austria

Human Rights Plattform www.christianophobia.eu, Europe

Evangelischer Aufbruch, Germany

We are living in crucial moments in the OSCE region at the dawn of the Twenty First Century. In these years, freedom of religion plays a major role.

On one side, many countries prepare, draft and implement new laws for managing religious pluralism under those basic criteria and standards enshrined in OSCE Commitments concerning religious freedom. It is important for those countries to emphasize at all times that the final purpose of these new laws is making possible and improving the full and free exercise of religion of individuals and communities—in the observance of each legal, cultural, historical and constitutional tradition— without fear to the potential consequences of freedom.

On the other side, many other countries face a new challenge in which the complexities of religious pluralism have increased enormously. For these countries OSCE Commitments always offer a plain and general source for dealing with new problems and issues. It is important in this vein to be open-minded to peoples and cultures coming from other geographical areas, to grant full enjoyment of freedom of religion to those citizens who belong to new religious minorities and to trust in the centrality of the human person without surrendering their legal systems and politics to possible tension between cultures and civilizations. It should however also be noted that the infringement of religious freedom affects both, minority as well as majority religions.

What is the rationale which backs up the concept of freedom of religion in OSCE Commitments and, in general, in international instruments on freedom of religion?

First of all, consecrating religious freedom is **more than recognizing a choice** among other possible choices within the Constitutional framework. Freedom of religion deals with the utmost profound and meaningful dimension of the human being. It presupposes transcendence. Therefore freedom of religion should occupy a preferred position among human rights and freedoms and not be considered as inferior. It deals with duties and relationships which go far beyond and above any other duty and relationship in human interrelations. That is why religious freedom involves an immunity sphere in which the State is not competent at all in order to dictate or govern citizens' options and decisions, as long as the religion respects the public order and the principles of the constitutional framework. Yet the State might influence negatively and indirectly on individuals and communities, through a public and official message, or subtle actions, according to which religion appears a "remnant of ancient times", an "old-fashioned behaviour", something "inconsistent with progress and freedom" or the equivalent of "intolerance and violence".

Secondly, consecrating religious freedom is **more than recognizing freedom to believe**. Religion is not only a matter of an abstract or ideal situation in which an isolated human being adopts a position concerning one of the hypothetical dimensions of his/her life. Somehow this is only the Western liberal approach to a more complex reality. Religion is not only believing on an individual basis. It involves social ties, family, friends, culture, traditions, history and transcendence. It entails intrinsically worship, observance, practice,

living and behaving according to religious and moral tenets. Believing behind closed doors or adopting a private position is not enough. It does not correspond to reality. That's why equating religion and/or belief for "freedom" purposes —despite the possible good intention of avoiding any discrimination of individuals or communities — conceals the positive and creative aspects and content of religious freedom. We run the risk of reducing freedom of religion to a specific, though empty, form of "freedom of thought". We run the risk of diluting the specific religious freedom content to expression, speech, association or even conscience.

And finally, consecrating religious freedom is **more than recognizing freedom to act on strictly religious matters in the private sphere**. Religion pervades individual and communal action. States must legally recognize religiously motivated conduct of individual and communities, according to Constitutional standards. States should promote and encourage the contribution of Churches and religious communities to public life while recognising their specific identity. States must recognize religious conscientious objection in delicate fields, like bioethics (abortion, euthanasia, stem cell research, etc), education, military service, etc. States cannot apply anti-discrimination law to religious communities and religiously-inspired institutions as if they were secular entities or part of State agencies. Governments must admit religious attire even in public places, except when paramount interests such as safety, public order or health compel to rule otherwise. Governments must recognize the wide extent and implications of the right of parents to the moral and religious upbringing of children, without any interference from political power and from official ideology leading to indoctrination. In sum, States must recognize religion as a vital source of moral behaviour which is beyond and superior to secular legal systems.

All these are important tasks in the hands of OSCE/ODIHR in next years.

Therefore, recommendations to OSCE and to participating states in this Supplementary meeting should include:

- 1 To articulate a mainstreaming policy in the OSCE organization to examine and amend policies, commitments, or whatsoever action that directly or indirectly causes in any form harm, disrespect or contempt to religion;
- 2 To deepen in the peculiar character and meaning of freedom of religion as related to an essential dimension of humankind, which contributes to the holistic well-being and development of individuals, communities and countries;
- 3 To stress the specific aspects of freedom of religion in comparison to related but different freedoms, like freedom of thought, speech, association or assembly;
- 4 To guarantee the availability of places of worship taking into account urban planning considerations, and the artistic, cultural, religious, architectural and environmental characteristics of the territory. A dialogue should be established with the local community and religions traditionally present in that area. Legislative regulations should distinguish between places

used for worship only and places of worship used for activities beyond purpose of worship.

5 To urge participating States and OSCE to fully implement the commitments as formulated in the 1989 Vienna Commitment on freedom of religion;

6 To pay specific attention to the right of religious conscientious objection in all social and public spheres, and to the right of parents or tutors to the moral education of children in public education;

7 To respect, with regard to anti-discrimination laws, the right to autonomy of religious communities and religiously inspired institutions;

8 To recognize and protect the use and display in private and public of religious symbols;

9 To recognize and protect freedom of speech on moral issues affecting public life.

Vienna, July 10th 2009