

# Supplementary Human Dimension Meeting

## FREEDOM OF RELIGION OR BELIEF, FOSTERING MUTUAL RESPECT AND UNDERSTANDING

2 July 2015

Vienna



Opening address by

**Michael Georg Link**

**Director of the Office for Democratic Institutions and Human Rights**

**Check against delivery!**

Excellencies,

Ambassador Žugić,

Distinguished Colleagues,

Ladies and Gentlemen,

It gives me great pleasure to welcome you to the second OSCE Supplementary Human Dimension Meeting (SHDM) of 2015 focusing on freedom of religion or belief, or FoRB for short.

We return to the discussion of this theme in the context of an SHDM after nearly five years. This offers an excellent opportunity to take stock of the developments during this period; to reflect on the lessons learned in our efforts to implement the relevant commitments; and to consider how these may apply to changing circumstances and new challenges.

Participants at the SHDM on FoRB in 2010 stressed that OSCE and its relevant institutions and field operations should enhance dialogue and

consultation with religious communities with a view to enhancing the understanding of FoRB commitments, principles and standards.

In taking forward these recommendations, ODIHR has in recent years been proactive in its work to strengthen adherence to commitments related to this fundamental right and in fostering mutual respect and understanding. It has facilitated the holding of discussions and debates, including at the annual Human Dimension Implementation Meeting. Guidelines, legal expertise and comments have been made available to participating States and the public. Significantly, following the decision by participating States, ODIHR's activities in the area of FoRB now continues with an enhanced capacity within ODIHR's Human Rights Department.

The objective of ODIHR's FoRB work is to assist participating States, civil society, and religious or belief communities in protecting and promoting the right to freedom of religion or belief for all. ODIHR also engages in efforts to prevent and respond to intolerance and discrimination based on religious or belief grounds. To achieve these

objectives, ODIHR deploys a range of activities, mechanisms and tools. They include monitoring developments related to the right to freedom of religion or belief in the OSCE area, capacity building efforts, the work of the ODIHR Advisory Panel and developing FoRB guidelines and recommendations for participating States. I would like to highlight a few of these.

In January of this year, as a part of its capacity building work, ODIHR conducted a two and a half day training of trainers in Warsaw on OSCE commitments and international standards in the area of freedom of religion or belief. This training, which was attended by trainers from civil society organizations in Central Asia, the South Caucasus and Eastern Europe, was based on a specially-designed, in house training curriculum utilizing an interactive approach to learning. I am happy to say that this training programme is being rolled out and carefully evaluated. We look forward to refining the methodology in light of the feedback received from participants.

ODIHR's Advisory Panel of Experts on Freedom of Religion or Belief was first established in 1997. It was restructured and subsequently reappointed in 2013, and met in January 2015 in Warsaw to discuss its future work plan. The next meeting will take place in September when specific lines of activity to advance priority areas of the work will be elaborated. Since its inception, the Panel has been particularly active in providing valuable assistance to those participating States requiring expertise in the legislative sphere. The key reference tool in this regards remains the 2004 OSCE/ODIHR-Venice Commission Joint Guidelines for Review of Legislation Pertaining to Freedom of Religion or Belief.

Developing guidelines and recommendations pertaining to FoRB for OSCE participating States and civil society is indeed an area where ODIHR is actively engaged. In this regard, this year saw the official launch of the OSCE/ODIHR-Venice Commission Joint Guidelines on Legal Personality of Religious and Belief Communities. These guidelines clarifies international standards in relation to access to legal personality for religious or belief communities and outlines examples

of good practices in this area, and build on the aforementioned 2004 Guidelines.

There are also two new projects that commenced earlier this year and deserve a brief mention. One focuses on Central Asia, specifically Kyrgyzstan and Tajikistan, and aims at increasing awareness of international standards and OSCE FoRB commitments among government officials, religious or belief communities and civil society actors. It also aims at enhancing the capacity of civil society to monitor and report on violations of freedom of religion or belief. The other seeks to promote security for religious or belief communities in two pilot regions of Ukraine. By building the capacity of civil society, religious or belief communities and relevant state institutions on FoRB and hate crimes, it seeks to promote dialogue among religious or belief communities and between these groups and the state. Both projects are still in the early stages of implementation. The feedback received to date, however, indicates that the various activities undertaken thus far are working towards achieving the stated objectives.

Ladies and Gentlemen,

The presence of numerous civil society representatives, including members of religious or belief communities, at this meeting is a welcome confirmation of the interest within civil society in the area of FoRB, fostering mutual respect and understanding within civil society. The high-level participation of government representatives further underscores its relevance. It also speaks to the potential of this forum – the Supplementary Human Dimension Meeting – to serve as an important space for an exchange of views and experiences on national and local policies and practices related to the implementation of OSCE commitments in this important area.

At the outset of our discussions, I am reminded of an insightful statement by Professor Heiner Bielefeldt, the United Nations Special Rapporteur on Freedom of Religion or Belief, who noted that FoRB *“should not be seen as an act of mercy by the state, but rather as an inalienable and non-negotiable right of all human beings that the state has to respect”*. This entitlement belongs to all members of the human family. It is not conditional on what they believe or whether they

believe at all. It is grounded in the inherent and inviolable dignity of the human being. It is upheld in international instruments and enshrined in OSCE commitments.

Sadly, as we survey the situation in the OSCE area, we note that freedom of religion or belief is under threat. This threat comes from various sources. A particularly worrying practice can be found in those participating States where the full and free exercise of this right is limited to a list of options predefined and approved by the state. This has resulted, among other things, in the illegal and arbitrary arrest, detention and torture of members of religious or belief communities not recognized by the state. A no less troubling phenomenon has been the rise in some places of hostile social forces – born of prejudice, fear and contempt – that have created intolerable and dangerous environments for particular religious or belief communities. Such governmental and social restrictions on the right to freedom of religion or belief are not conducive to the security and stability of our societies. They point to the nature and scale of the

effort required by us to address these very real, ever present challenges.

Ladies and Gentlemen,

as you know, promoting a sustainable legal and social culture of freedom of religion or belief, mutual respect and understanding is a complex and long-term process. Such long-term efforts must be grounded in building relationships among and between state authorities, civil society and religious or belief communities. They need to be understood as a long-term policy priority, conducted in consistent fashion over time.

With this in mind, I wish to emphasize a point that I am sure is not lost on you. Interreligious dialogue and co-operation are of great importance and whose contribution to the well-being of society needs to be more systematically and fully explored. However, this can never substitute for a clear focus on the state's duty to respect, protect and promote the right to freedom of religion or belief for all. I say this because there is sometimes a tendency both at the international and

national level to delegate the responsibilities of the state to religious or belief communities.

It is no doubt that interreligious dialogue among and between religious or belief communities plays a vital role in promoting FoRB, mutual respect and understanding. The focus on dialogue at this SHDM is most welcome and necessary. But dialogue in and of itself, and however well-intentioned and inclusive, will not ensure the effective implementation of OSCE commitments in this, or indeed any area. Therefore, I would like to emphasize that participating States, as duty-bearers, have the primary responsibility to ensure full and effective respect, protection and facilitation of freedom of religion or belief.

As you know, we are considering two sets of commitments at this SHDM. One pertains to the right to freedom of religion or belief. The other relates to fostering mutual respect and understanding. These are overlapping, mutually reinforcing and interrelated commitments. We need to bear this in mind as we explore together practical strategies for taking the work forward. Clearly, only a coherent, integrated approach

will ensure the effective implementation of these commitments. But the challenging and sensitive nature of these topics also requires that we take into account different national and regional contexts as well as the increasingly pluralistic societies within the OSCE area characterized by a diversity of religious and belief communities.

The agenda of this meeting offers plenty of scope for a full and frank discussion of the issues and challenges facing the OSCE area in relation to promoting freedom of religion or belief and fostering mutual respect and understanding. We are fortunate to have with us a number of distinguished speakers whose insights will no doubt greatly enrich our conversation and serve as a stimulus to clear thinking and analysis on our part. As we explore the practical steps that need to be taken to secure the right to freedom of religion or belief for all and intensify efforts to foster mutual respect and understanding, please be assured of ODIHR's ongoing support and assistance to ensure the realization of these important objectives.

Thank you for your attention.