



Mr. Lindsay Bennett Graham  
1350 Connecticut Ave. NW  
Suite 605  
Washington, DC 20036  
Tel: +1 (202) 955-0095  
Fax: +1 (202) 955-0090  
[www.becketfund.org](http://www.becketfund.org)

**Intervention at the OSCE Human Dimensional Meeting:  
Legislative Needs in OSCE Region (Session 13)**  
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Final transcript draft  
Compare against recording

Mr. Moderator,

I first want to commend the work of the OSCE once more in terms of its assistance with legislation pertaining to freedom of religion or belief. The advisory panel of experts is an excellent resource for all states when considering relevant legislation.

I would like briefly to discuss the three main emerging issues in the OSCE region pertaining to religious liberty legislation. They include

1. Registration laws
2. Legal systems combining religious and civil law
3. Free Expression of Religion or Belief

First, registration legislation has already been identified in the earlier session as one of the main impediments to religious freedom in OSCE member states. The main problem in registration laws is easily identifiable: scope. Registration laws are not necessary for the guarantee of religious liberty, but if a state decides to enact such legislation, it should be sure that state involvement does not impede the practice or promotion of religious faith. Additionally, any limitations on religious freedom must be deemed non-discriminatory and necessary for the protection of public safety, health, morals, or the rights of others.

The second emerging issue is the complicated challenge of hybrid legal systems. More and more states are wondering how religious legal systems relate to civil legal systems. It is important for states to maintain their commitments to equal protection and internationally accepted standards of human rights. However, such commitments do not limit religious persons from participating in their own religious legal systems.

The central requirement of a religious legal system is the free choice of all parties to choose a religious code as the governing conditions of the arbitration settlement. Additionally, civil courts must maintain their commitment to the protection of religious liberty for all, especially when requested to enforce the ruling of religious arbitration courts. Religious rulings should never be imposed by a civil court on those who have not chosen to submit themselves to the ruling of a religious arbitration process.

The third challenge to religious legislation is the movement to criminalize peaceful speech that may be offensive to some people. This issue has become a major concern at the United Nations, where an annual resolution combating the so-called “defamation of

religions” is raised at the Human Rights Council and the General Assembly. While these resolutions and laws are often shrouded in diplomatic language about religious tolerance and respect, the implementation of these resolutions would have the pernicious effect of criminalizing peaceful speech. Furthermore, they fly in the face of traditional international human rights law, which is founded on the protection of the rights of individuals against the state. “Defamation of religions” laws protect ideas instead of the people who hold those ideas.

In one community, it may be “defamatory” to say that Jesus is divine; in another, it may be defamatory to say that Jesus was only a Prophet. Thus, “defamation of religions” laws effectively empower governments to decide which statements about religion are permissible in the public square and will ultimately create a jurisprudence of hurt feelings. Without a public square permissive to the free exchange of ideas, the result of stifling speech is more religious tension, not less.

We recommend that the Advisory Panel of Experts look closely at these three issues so that they can properly advise states during the drafting of relevant legislation. Additionally, member States should diligently examine current legislation to ensure that government legislation regarding the freedom of religion or belief is promoting and protecting this fundamental freedom, not limiting it.

Thank you.