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The right to believe, to worship and witness

The right to change one's belief or religion

The right to join together and express one's belief

***Working Session 12 Fundamental freedoms - Freedom of thought, conscience or belief
Implementation of commitments***

The Helsinki Final Act states that "participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion." This fundamental, politically binding, human dimension commitment has been repeatedly reaffirmed. Indeed, Ambassador Lenarcic at the start of this HDIM described it as "one of the most central and longstanding of the OSCE human dimension commitments."

Why? Because freedom of thought, conscience and belief is one of the foundations of the key OSCE insight that security and human rights are inseparable. This is because it is intertwined with the rule of law and other fundamental freedoms such as freedom of speech and association, freedom of the media, freedom of expression and freedom of movement. Violating freedom of thought, conscience or belief for all always causes and encourages tensions, creating insecurity and conflict. To put it another way, upholding the exercise of freedom of thought, conscience and belief - and other fundamental freedoms - defuses tensions, encourages security, and builds tolerant, peaceful societies.

The politically binding human dimension commitments - which all participating States have agreed to implement - outline what this means in practice. Regrettably, some participating States still breach these commitments. Very sadly, there are far more kinds and incidents of violations of freedom of thought, conscience and belief (documented and analysed by Forum 18 News Service) than there is time to outline now. To take but one very common type of violation, in participating States such as Kazakhstan, Uzbekistan, Azerbaijan and Belarus, state officials - sometimes in defiance of written national law - often demand that religious communities must be registered with the state. Indeed in Uzbekistan - where the UN Committee Against Torture found torture by officials to be "routine" - unregistered religious activity is a criminal offence. When Jehovah's Witnesses in Kagan repeatedly tried between 2006 and 2008 to register their community, they faced harassment, a police raid, and the ten community members were threatened with death and each given fines of five years' minimum wages. Bailiffs have made repeated visits to seize property to pay the fines. Raids and violence against peaceful religious communities are common. But despite the claims of some Uzbek officials, there is in international and OSCE human rights standards no requirement that religious or belief communities must register to enjoy freedom of thought, conscience and belief.

Members of majority communities also suffer violations. In Turkmenistan for example, despite official claims that Muslim pilgrims wishing to undertake the haj would be free to do so, the state continues to only permit one government-controlled aircraft of pilgrims - 188 people - to travel. The pilgrims include members of the MSS secret police and other officials. Saudi Arabia, which sets haj pilgrimage numbers, would be prepared to allow 5,000 people to make the pilgrimage from Turkmenistan, and Iran has offered the opportunity for pilgrims to travel by bus. In another example, Uzbekistan imposes complete control of publicly-permitted Islam through devices such as NSS secret police spies - which also afflict the other religious communities - and total control of the selection, education and nomination of imams. In north-west Uzbekistan, where all non-state controlled Islamic and non-Russian Orthodox activity is banned and a criminal offence, at least 30 Muslims (including imams) are thought to have been arrested from this summer. It is unclear whether the state's accusations of financial irregularity or drugs possession are true, or an excuse to punish them for religious activity.

The use of the mass media to incite religious hatred and intolerance continues. State-run Uzbek TV has repeatedly broadcast films - which the state specifically encourages children and young people to watch - targeting unspecified "illegal missionary activities". These are described as "a global problem along with religious dogmatism, fundamentalism, terrorism and drug addiction," and religious minorities are falsely accused of using drugs to gain followers. This encourages intolerance in society, a member of a religious minority telling Forum 18 that some people are now "afraid to go out on the street where they live for fear of being persecuted." Around the same time as one of these TV broadcasts, following a raid on a Baptist church, police and a schoolteacher directly threatened the children from the church, telling them that if they attended churches they would be put into prison. As one Protestant commented to Forum 18, "the government is trying to stir up Muslims against Christians." Sadly, the use of the media to encourage intolerance is also found in other participating States, such as Kazakhstan. In Turkey, some religious communities have told Forum 18 that they are highly concerned by the authorities' failure to effectively address incitement to hatred by the privately-owned mass media. This can have serious consequences: one of the alleged killers of three Protestant Christians in 2007 has stated that his actions were inspired by a popular TV series.

It is particularly regrettable that Kazakhstan, Chairman-in-Office for 2010, repeatedly violates its human dimension commitments. Amongst other violations, it continues: to raid minority Christian, Jehovah's Witness and Hare Krishna communities; to attempt to confiscate or deny communities places of worship; to use the mass media to encourage intolerance of religious minorities; to promote state programmes encouraging such intolerance; to impose intrusive questionnaires on religious communities and leaders - including questions on their political preferences, "the most influential and authoritative people in the community," foreign missionaries, media contacts, "facts demanding attention on the part of state bodies," military service of congregation leaders, their foreign language knowledge, media articles written, and the full names of leaders' "close friends and comrades." In some contexts, the questionnaires have been linked to demands that religious communities register with the state. Kazakhstan is also, as we are meeting in this HDIM, pushing through changes in legislation which flagrantly break its human dimension commitments, as well as the recommendations in the OSCE *Guidelines for Review of Legislation Pertaining to Religion or Belief*.

Implementation of the agreed, politically binding, human dimension commitments - not empty claims of religious tolerance - would pave the way for a successful Kazakh Chairmanship-in-Office in 2010.

The decline in freedom of thought, conscience and belief in the OSCE region continues. So what can be done? The most obvious step is for participating States to implement the Human Dimension commitments they themselves have made. Yet, as the most serious violators in the OSCE area are participating States themselves, how can we implement commitments? The Civil Society Preparatory Meeting for the 2007 Bucharest High Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding made some excellent recommendations. Some of these are:

- "that participating States and OSCE institutions and field operations, in their structures and activity, address such human rights violations in a way which does not discriminate against or in favour of any belief including the right to publicly criticise religious or other beliefs, as violations of a fundamental human right of all people";
- "[that] participating States (...) enable citizens and groups to challenge prejudices, stereotypes, denigration and hate speech expressed against all persons and communities, whatever their religious or non-religious beliefs. In this context, particular attention should be paid to the media, the public discourse of political and social leaders as well as state officials, and public training and educational programs";
- "We encourage the ODIHR to address the connections between fundamental human rights and tolerance and non-discrimination issues and we recommend that this be reflected in the internal structure of ODIHR by designating dedicated staff to all the aspects of the issue [freedom of thought, conscience and belief] in the Human Rights Department";
- and "[that] the OSCE/ODIHR Advisory Council on Freedom of Religion or Belief's activities (...) be expanded. We call for resources to be given to enable this to happen..."

Those who, under immense pressures, exercise the right to freedom of religion and belief put the

Helsinki Final Act into action. We should support their struggle, by helping make this fundamental human dimension commitment a living reality for everyone in the OSCE region.

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