

HDIM 2012**Working Session 10: Freedom of thought, conscience, religion or belief**

Rapporteur: Mr. Ahmed Dadou, First Secretary, Permanent Representation of the Netherlands to the OSCE

Working Session 10 was devoted to freedom of thought, conscience, religion or belief. The introducer, Prof. Heiner Bielefeldt, UN Special Rapporteur on Freedom of Religion or Belief focused on the issue of recognition of religious communities and the responsibilities of the State in this respect. He emphasized that freedom of religion or belief (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. He elaborated on the subject of recognition and noted that non-registered groups cannot be treated as illegal. He recommended that the recognition procedures by which religious groups can obtain legal personality should be transparent, quick, fair, free from bias, inclusive and in line with the rules of due process.

47 interventions were made after the introducer, of which 38 by civil society and non-governmental organizations. In addition, 7 participating States made use of their right of reply.

While some speakers acknowledged positive developments in the FoRB area, most interventions noted serious violations within the OSCE region. One of the serious issues mentioned by several speakers is the limitation of FoRB through the introduction of new legislation dealing with registration of religious groups. Representatives of participating States and civil society shared some examples of religious communities that faced urgent problems due to this requirement of legal personality. Laws aiming at countering extremism were also seen as a potential violation of the rights of religious communities in certain parts of the OSCE region.

Some speakers noted increasing limitations of FoRB under the umbrella of freedom of speech, recognized this as an acute issue that the OSCE is faced with, and expressed that criticism of religious views should not offend people, referring to recent examples in this regard.

Many delegations expressed concern about the serious instances of intolerance and discrimination, including violence and intimidation on the ground of religion or belief. It was also noted that the exercise of FoRB should be in conformity with public order, safety and the rights of others.

Several speakers expressed support for the vital contribution of ODIHR in the field of FoRB and welcomed the co-operation between ODIHR and the Venice Commission in reviewing relevant legislation. Other interventions stressed the importance of FoRB as a means to achieve security, democratization, social and economic development. The importance of dialogue between the OSCE participating States and their respective religious communities was mentioned. At the same time it was emphasized by some delegations that intra- and interreligious dialogue cannot substitute FoRB as an indispensable human right for every individual.

Other issues that were raised by the speakers include the fight against hate speech, difficulties in access to holy sites, situation of prisoners of conscience, increasing demand for anti-blasphemy laws, and the right of self-identity.

Prof. Heiner Bielefeldt concluded the working session by emphasizing the broad meaning of freedom and its importance as a keyword in this discussion. He stressed that it is impossible to work in the name of freedom of religion or belief without promoting the freedom of expression. He stressed that more qualified speech is needed as a remedy against hate speech.

Recommendations to the participating States:

- Draw on ODIHR's expertise when framing and drafting new legislation;
- Respect freedom of religion or belief as an inalienable and non-negotiable right of all human beings;
- Combat hate speech by using the freedom of expression;
- Implement the legal opinions and reviews provided by the Venice Commission and ODIHR's Panel of Experts on Freedom of Religion or Belief;
- Take measures against negative stereotyping of religious communities in the media
- Prioritize freedom of religion or belief in their foreign policy;
- Ensure that freedom of religion or belief remains at the core of the OSCE's human rights agenda;
- Investigate bias-motivated hate crimes against communities and property.

Recommendations to the OSCE, its institutions and field operations:

- Assess legislation in the participating States in view of discriminations and intolerance against religious or belief communities;
- Take account of the increasing intolerance against certain religious groups;
- Organize an event to specifically combat discrimination against atheists and agnostics;
- Strongly oppose blasphemy laws.