



SUPPLEMENTARY HUMAN DIMENSION MEETING

ON

FREEDOM OF RELIGION OR BELIEF

**9-10 December 2010
Hofburg, Vienna**

FINAL REPORT

Warsaw, 22 February 2011

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I. EXECUTIVE SUMMARY

The OSCE Supplementary Human Dimension Meeting (SHDM) on Freedom of Religion or Belief was held in Vienna on 9-10 December 2010.¹ The meeting brought together 251 participants, including 96 representatives of 42 governments, as well as representatives of 90 civil society organizations, seven OSCE field operations, two OSCE institutions, and four international organizations.²

The SHDM provided an opportunity for an exchange of views and experiences on local and national policies and practices related to the implementation of OSCE commitments on freedom of religion or belief. The previous SHDM on the topic of freedom of religion or belief was held in July 2009.

The meeting was organized into three working sessions:

- From Commitments to Implementation: Emerging Issues and Challenges;
- Education and Religion or Belief;
- Religious Symbols and Expression.

Speakers in the plenary **Opening Session** included Ambassador Madina Jarbussynova, Ambassador-at-Large of the OSCE Kazakhstan Chair-in-Office, who underlined that over the past two decades, many OSCE participating States have carried out reforms in the context of freedom of religion or belief.³ Ambassador Jarbussynova noted that these reforms are intended to bring states' legislative frameworks in line with OSCE commitments in this area. However, the sensitive nature of the topic requires a comprehensive and long-term approach. To this end, Ambassador Jarbussynova invited the SHDM participants to discuss the issues constructively and to exchange views on good practices.

Her statement was followed by remarks by Ambassador Janez Lenarčič, the Director of ODIHR, who made two main points regarding the status of freedom of religion or belief in the OSCE area. Firstly, he pointed out the importance of distinguishing between freedom of religion or belief and tolerance and non-discrimination. Promoting tolerance is not a substitute for respecting OSCE commitments on freedom of religion or belief. OSCE States have sometimes tended to endorse the notions of tolerance and interfaith dialogue and co-operation, while failing to protect religious rights, including those of smaller and less popular groups. Secondly, Ambassador Lenarčič noted the challenges to freedom of religion or belief in the legal frameworks of participating States. For example, not all legislation in the OSCE area fully conforms to OSCE standards and there are even larger deviations in practice. Restrictions on freedom of religion or belief imposed by some participating States go beyond the limitations permitted by human rights treaties. There are cases in which individuals and groups cannot freely study religion, assemble to worship, read and disseminate religious literature or establish charitable organizations, as

¹ A webpage devoted to the meeting can be found at <http://www.osce.org/odihr/74343>.

² A list of participants and a breakdown of data on the participants are available in Annexes IV and V.

³ The texts of statements by speakers at the opening and closing plenary sessions, as well as the texts of remarks by introducers of the working sessions, are available in Annex II.

well as cases in which individuals face criminal charges for engaging in these activities. Such limitations are not in line with OSCE commitments including the 1989 Vienna Concluding Document⁴.

The first keynote address was delivered by Ms. Valerya Porokhova, Member of the Russian Academy of Natural Sciences. Ms. Porokhova called for a multi-faith global initiative to help develop strategies to promote reconciliation and peace, and to heal divisions. She commented that interfaith dialogue would be a first step to this goal. She emphasized the importance of combating intolerance against Muslims and the inappropriateness of linking Islam and terrorism. Ms. Porokhova cited the Koran to describe the peaceful character and openness of Islam. She encouraged the development of a shared vision to provide a foundation for respecting diversity.

The second keynote address was delivered by Prof. Silvio Ferrari, Professor of Law and Religion at the University of Milan and member of the Advisory Council of the OSCE/ODIHR Advisory Panel on Freedom of Religion or Belief. Professor Ferrari offered his view on what he defined as the increasing complexity of protecting freedom of religion or belief in an era of pluralization and publicization of religion. He observed that addressing emerging issues and challenges in the area of freedom of religion or belief should rest on the solid basis of OSCE commitments.

Professor Ferrari argued that the first relevant commitment is the right for each individual to have or not to have a religion or a belief, and to manifest a religion or a belief. Guaranteeing this right is essential, in the speaker's opinion, for the development of a public space where everyone can manifest religious or non-religious views without suffering discrimination.

The second important commitment, Professor Ferrari argued, is related to the collective dimension of the right to freedom of religion or belief. OSCE commitments grant everyone the right to manifest one's religion or belief alone and in community with others. Professor Ferrari contended that religious and belief groups have the right and the responsibility to participate in public life of democratic societies. However, this manifestation should be balanced out and subject to limitations that are permissible under human rights law to ensure that the rights and freedoms of others are also respected. Professor Ferrari explained that in the context of increasing pluralization and publicization of religion, the relationship between different rights cannot be determined once but needs to be considered on a case-by-case basis. The speaker proceeded to cite concrete examples. In the case of religious symbols, he asserted, a distinction should be made between situations concerning individuals displaying religious symbols in their private capacity and situations in which individuals display religious symbols when they have an official or public role. In the former case, freedom of religion or belief should take precedence, while in the latter freedom of religion or belief can be restricted to guarantee the impartiality of the state.

⁴ There are a range of OSCE commitments relating to freedom of religion or belief; the most comprehensive list appeared in the 1989 Vienna Document, paragraph 16, <http://www.osce.org/mc/16262>. These have been supplemented by numerous other commitments in subsequent years.

Working Session I, entitled “From Commitments to Implementation: Emerging Issues and Challenges”, was introduced by Professor Bülent Senay, Professor of History of Religion and Counselor for Religious Affairs at the Embassy of Turkey in the Netherlands and Mr. Vakhtang Kipshidze, Department for External Church Relations of the Moscow Patriarchate and Member of the OSCE/ODIHR Panel of Experts on Freedom of Religion or Belief. The speakers provided different perspectives on emerging challenges in the area of freedom of religion or belief. Professor Senay focused on the impact of intolerance and discrimination, especially intolerance against Muslims, on freedom of religion or belief. He also suggested ways to prevent and fight intolerance in pluralistic societies. Mr. Kipshidze expressed the view of the Russian Orthodox Church on issues such as state neutrality and the interpretation of human rights norms. He argued for systems that do not exclude religions from the public space and added that the relationship between human rights and religious values is not contradictory.

The session’s discussion touched on a range of issues, some of them controversial, arising in connection with freedom of religion or belief. Many participants mentioned the tensions that can arise between anti-discrimination legislation and the autonomy of religious or belief communities. Another major issue centered around whether freedom of expression includes the right to offensive or insulting portrayal of religions. Much of the debate touched upon the neutrality of the public space and the question of whether religious symbols should be limited in public areas.

Participants also reported violations of the rights to freedom of religion or belief in the OSCE area, such as difficulties in acquiring legal entity status, prohibitions on religious instruction, and limitations on the freedom of movement of the clergy. Attacks on places of worship were also mentioned as a recurring pattern in the OSCE area. Some speakers underlined that these limitations affect both minority and majority religions.

Working Session II, “Education and Religion or Belief”, was opened by Archbishop Silvio Tomasi, Apostolic Nuncio, Holy See Mission to the United Nations in Geneva and Professor Heiner Bielefeldt, United Nations Special Rapporteur on Freedom of Religion or Belief and Professor of Human Rights and Human Rights Politics at the University of Erlangen-Nürnberg.

Archbishop Tomasi stressed the importance of religious instruction as an integral aspect of the right to freedom of religion or belief, including the rights of parents and legal guardians to transmit religious values. The Archbishop stressed that religious instruction provides a contribution to the entire society and promote the common good.

Professor Bielefeldt made the point that educational policies, including teaching about religions and beliefs, should aim to strengthen the promotion and protection of human rights. Education should seek to eradicate prejudices and conceptions incompatible with freedom of religion or belief. Teaching should also ensure respect for and acceptance of pluralism and diversity in the field of religion or belief.

Participants in this session discussed both religious instruction and teaching about religions and beliefs. Some argued in favour of non-confessional teaching about religions and beliefs in public schools, whilst others contended that religious education is a fundamental component of human development and should be included in public school curricula. A number of speakers considered that these two forms of teaching do not have to be mutually exclusive. Many participants pointed out the key role of parents and legal guardians in ensuring that the values of families are transmitted to the next generation, complementing efforts by schools, religious or belief communities and the individual.

Many speakers mentioned the problem of insensitive or inaccurate portrayal of religions or beliefs, especially minority ones, in textbooks and schools lectures. Since this can lead to the perpetuation of stereotypes and intolerance, the quality of textbooks should be carefully monitored.

Working Session III, “Religious Symbols and Expression”, was introduced by Dr. Adash Toktosunova, Chair of Department of Philosophy and International Law, Diplomatic Academy of the Ministry of Foreign Affairs of Kyrgyzstan and Mr. Tarafa Baghajati, Chair of the Austrian Muslim Initiative.

Dr. Toktosunova underlined that in the OSCE area, there are different systems and practices regarding the acceptance of religious symbols in the public sphere. In some instances, religious symbols are the expression of local identities in the globalization process. As such, it is important to avoid treating different religious symbols in discriminatory ways and to respond to any discriminatory practices.

Mr. Baghajati also focused on the presence of religious symbols in the public space. He commented that public areas should be open to different visible forms of religious expression, in the interests of a more inclusive society. Mr. Baghajati also mentioned the challenges faced by Muslim communities in some European states with regard to the display of minarets or headscarves.

In the subsequent discussion, participants touched on a range of issues related to the public display of religious symbols. Examples ranged from crucifixes and minarets to beards, turbans or headscarves. Some speakers contended that there are many cases in the OSCE area in which undue limitations are placed on the right to display symbols. In some instances, these limitations can be discriminatory and can have a chilling effect on the integration of minorities and immigrants. A number of speakers asserted that public areas should be neutral and that states should not endorse the placement of religious symbols in public facilities such as schools or government buildings. Other participants considered that secularism does not require the exclusion of religious symbols from public areas, pointing out that religion has a collective dimension as well as an individual one.

Numerous speakers expressed concern that religious symbols have been the object of vandalism throughout the OSCE area.

The **Closing Session** began with the reports of the Rapporteurs and concluded with closing remarks by Ambassador Jarbussynova and Ambassador Lenarčič. Ambassador Jarbussynova noted that the meeting had confirmed the relevance of freedom of religion or belief in the OSCE area and expressed the hope that further meetings on these issues would be convened in the future. She added that the discussions highlighted that none of the OSCE states can claim to have an ideal model for respecting the freedom of religion or belief.

Ambassador Lenarčič concluded that that the discussions had shown the difficulties of disentangling issues that touch upon personal, communal and national identities, particularly in a context where pluralism is increasing, and where the religion of immigrants is often different from the historically prevailing religion. He pointed out, however, that the emergence of new issues is a normal phenomenon in ever changing societies. OSCE states should not shy away from these issues but should encourage discussion, debate and analysis with a view to guaranteeing the freedom of religion or belief as a fundamental component of democratic society.

II. RECOMMENDATIONS

This part of the report contains a selection of the wide-ranging recommendations made by participants. The recommendations are addressed to a variety of actors, including OSCE participating States and OSCE institutions and field operations, as well as other international organizations and NGOs. These recommendations have no official status and are not based on consensus. The inclusion of recommendations in this report does not suggest that they reflect the views or policy of the OSCE.

General recommendations to OSCE participating States:

- Participating States should implement OSCE commitments on freedom of religion or belief and should not discriminate against or in favour of any religion or belief.
- Participating States should give attention to helping resolve problems faced by minority and majority religious communities.
- Participating States should abide by their positive obligation to protect places of worship.
- Participating States should foster a climate of mutual tolerance and respect among believers of different communities as well as among believers and non-believers, in order to create an environment in which freedom of religion or belief can flourish.
- Participating States should adopt a definition of intolerance against Muslims.
- Participating States should take full advantage of the assistance offered by the OSCE/ODIHR in the area of freedom of religion or belief, including through the legal expertise of the OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief.

Recommendations on education and religion or belief:

- Participating States should ensure that all religious communities have access to and are free to provide religious education.

Recommendations on religious symbols and expression:

- Participating States should ensure that no obstacles are put in the way of religious or belief communities, including especially minority groups, in enjoying their right to display religious symbols.

Recommendations to the OSCE, its institutions and field operations, as well as other international organizations:

- The OSCE should enhance dialogue and consultation with religious communities, including traditional religious communities.
- The OSCE/ODIHR and OSCE field operations should develop and carry out activities aimed at enhancing understanding of freedom of religion or belief.
- The OSCE/ODIHR should ensure that there is more balanced representation of religions or beliefs within its Advisory Panel of Experts on Freedom of Religion or Belief, including representation of Muslims and non-believers.

III. SUMMARY OF THE SESSIONS

SESSION I: From Commitments to Implementation: Emerging Issues and Challenges

Moderator: Mr. Mark Weitzman, Director of Government Affairs, Simon Wiesenthal Center, United States

Introducer: Professor Bülent Senay, Professor of History of Religion, and Counselor for Religious Affairs at the Embassy of Turkey in the Netherlands

Introducer: Mr. Vakhthang Kipshidze, Department for External Church Relations of the Moscow Patriarchate and Member of the OSCE/ODIHR Panel of Experts on Freedom of Religion or Belief, Russian Federation

This working session was devoted to discussing the implementation of OSCE commitments on freedom of religion or belief in the context of issues that have typically arisen over the past decade.

The first introducer, Professor Bülent Senay, mentioned the impact of instances of intolerance against Muslims on the freedom of religion or belief of Muslim communities in Europe. He referred to violent attacks on mosques but also to the complicated nexus between freedom of expression and freedom of religion or belief, which often results in the negative portrayal of Muslims. He also described some of the concrete challenges faced by Muslims in Europe, which include difficulties in building places of worship and establishing cemeteries, state interference in the appointment of muftis, and problems with endowments (*waqf*) and communal property, as well as the lack of teaching of Islam in public schools.

Professor Senay stressed his view that governments have a responsibility to adopt public policies that are responsive to such problems and that address them through inter-cultural approaches including education and adequate legislation. In addition, he was critical of public policies in some European states that in his view address the issue of Muslim immigrants only from the point of view of security. He advocated that governments should prevent racial and religious profiling and should conduct public awareness programmes for citizens and government officials.

Mr. Vakhtang Kipshidze presented the view of the Russian Orthodox Church, which is outlined in a comprehensive document adopted in 2008, entitled “The Basic Teaching on Human Dignity, Freedom and Rights”. He discussed the concept of neutrality of the state, commenting that ongoing efforts to make public spaces free from religious symbols will result in public spaces intolerant to the adherents of any belief. Since European culture is closely interlinked with religion, he said, eliminating religious symbols risks undermining European civilization. A dogmatic approach to enforcing state neutrality, he continued,

could require demolishing cathedrals with crosses or removing crosses from national flags. Such an approach to religious diversity, he argued, discriminates against the majority and could be reasonably called Christianophobia.

Mr. Kipshidze described the importance of associating traditional moral values with human rights law, pointing out that these values and human rights are not contradictory. Human dignity, for example, is a traditional religious value which is also at the core of the Universal Declaration of Human Rights. Traditional values can thus contribute to the promotion and protection of human rights. Mr. Kipshidze proposed that the OSCE establish a dialogue with traditional religious communities in Europe, which would help the Organization move from working on the problems of religious minorities to working out a model of multicultural coexistence in the public sphere.

The working session that ensued covered a wide array of issues related to freedom of religion or belief. The question of the place of religion in the public sphere, raised by Mr. Kipshidze, was a cross-cutting issue through much of the discussion. According to some interventions, religious freedom is not strictly a private matter, but also has a public dimension since believers play their part in building the social order. Other speakers suggested that secularism does not exclude religion from the public space, although decisions in pluralist democracies are not based on religious beliefs.

Many speakers addressed the relationship between equality and non-discrimination on the one hand and freedom of religion or belief on the other. The issue of non-discrimination sometimes arises in the context of the autonomy of religious or belief organizations, for example, the question of whether a religiously based organization can favor members of its own religion when hiring. In the view of some participants, equality and non-discrimination laws can interfere with the beliefs and the freedom of conscience of certain groups and with the right of individuals to live in accordance with their own conscience.

Another issue that sparked discussion was the relationship between freedom of expression and freedom of religion or belief. Some participants expressed doubts that, for instance, offensive language addressed at religious symbols should be accepted in the name of freedom of expression. They argued that states should protect all religions – including the majority religions – from prejudice, negative stereotyping and misrepresentation. Other speakers, however, argued that the response to intolerance is not to limit free speech but rather to ensure that societies use freedom of expression to discredit and condemn offensive statements.

A number of speakers also expressed concern about legislation that includes broad definitions and categorizations of “extremism”. As a consequence of such legislation, peaceful religious groups have been labeled as dangerous and terrorist. One participant underlined that religion-based violence, repression and terrorism will not take root where freedom of religion and belief is protected by governments, promoted by religious believers and institutions, and valued by citizens. In this sense, the speaker asserted,

freedom of religion can be seen as an antidote to religion-based terrorism, because it encourages a theological and political awareness of the need to accept the “other”.

A few speakers referred to undue limitations to freedom on religion or belief that continue to be applied in the OSCE area. Many examples of limitations or restrictions were described, including difficulties in obtaining legal entity status, restrictive registration requirements, prohibitions on religious instruction to children and young people, bans on religious literature and restrictions on the issuance of visas to religious personnel. It was noted that both majority and minority religions are affected by such undue restrictions.

Participants deplored continuing acts of intolerance, including intimidation and attacks against believers, as well as vandalism of religious institutions and their properties. Speakers highlighted the importance of public discourse in giving a balanced portrayal of religions and beliefs, reiterating a theme that was also addressed in the keynote speech.

SESSION II: Education and Religion or Belief

Moderator: Professor Robert Jackson, Professor of Religions and Education at the Institute of Education at the University of Warwick, United Kingdom

Introducer: Archbishop Silvano Tomasi, Apostolic Nuncio, Holy See Mission to the United Nations in Geneva

Introducer: Professor Heiner Bielefeldt, United Nations Special Rapporteur on Freedom of Religion or Belief and Professor of Human Rights and Human Rights Politics at the University of Erlangen-Nürnberg, Germany

The second working session offered participants an opportunity to discuss the wide variety of practices regarding the implementation of OSCE commitments on education and religion or belief. At the opening of the session, the moderator provided a clarification of terminology: religious education, meaning “religious instruction” or “religious nurture”, was distinguished from religious education meaning “teaching about religions and beliefs”.

The first introducer, Archbishop Silvano Tomasi, opened his presentation by stating that the linkage between education and freedom of religion or belief is an area in which policies are still evolving. In his view, more attention should be given to conveying religious values, which play a fundamental role in developing mutual respect and understanding. He underlined that human rights norms and the teaching of the Catholic Church concur on fundamental points such as the freedom of every individual to receive religious instruction individually or as part of a larger community, the freedom of parents to transmit their religious values to their children, and the freedom of religious communities to train future religious leaders.

Archbishop Tomasi pointed out that religion is not the equivalent of culture and teaching tolerance can never replace religious instruction. From this perspective, the right to religious education maintains its specificity and makes a positive contribution to the entire society and to the common good. He emphasized the right of parents to choose the type of education for their children that best corresponds to their convictions. Public authorities, he said, should ensure that such free choices can be exercised, even for minority religions and faiths different from that promulgated by the state.

The second introducer, Professor Heiner Bielefeldt, made the point that fundamental questions of education related to religion or belief – including educational principles, the compilation of topics in the school curriculum, and basic institutional and organizational arrangements – require a high degree of sensitivity. He added that educational policies should aim to strengthen the promotion and protection of human rights. They should strive to eradicate prejudices and conceptions incompatible with freedom of religion or belief, while ensuring respect for pluralism and diversity of religions or beliefs, as well as the right not to receive religious instruction inconsistent with one’s convictions. He

mentioned the ODIHR's Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools⁵, including its reference to the value of advisory bodies at different levels that take an inclusive approach to involving different stakeholders in the preparation and implementation of school curricula related to issues of religion or belief and in the training of teachers.

Professor Bielefeldt concluded that both religious instruction and teaching about religions and beliefs are possible and should not be played off against each other. Teaching about religions and beliefs should provide a fair picture of religions and beliefs to overcome biases, fear and contempt, which are sources of hatred. Religious instruction, he continued, has a different purpose and the demands of parents and religious communities should be accommodated. However, religious instruction should include the possibility of opting out.

Participants responded with interest to the issues raised by Archbishop Tomasi and Professor Bielefeldt. The discussion in the working session demonstrated a general agreement that religious instruction and teaching about religions and beliefs are by no means exclusive; on the contrary, their complementarities were underlined by many speakers.

Another issue discussed during the session was the importance of state respect for the rights of the parents to shape the education of their children, both in the context of religious instruction and teaching about religions or beliefs. Some participants raised the issue of sex education in public schools, asserting that the rights of parents to educate children in line with their beliefs are not respected when states do not allow children to opt out of such instruction. Speakers generally acknowledged that this issue is a very sensitive one. Some interventions recalled the indivisibility of human rights, and pointed out that the discrimination on the basis of sexual orientation advocated by some groups is one area in which freedom of religion or belief can be in conflict with other basic rights.

Speakers generally supported the concept of state neutrality on the issue of education on religion or belief, although some pointed out that strict neutrality could risk neglecting the interests of some religious communities. These speakers remarked that the complexity of the issue requires finding a balance between state respect for the needs of pluralistic societies and the rights of religion adherents to transmit their values and beliefs to younger generations.

Several interventions raised the issue of insensitivity to minority religions and belief systems, including so-called "new" religious movements. Speakers provided a number of examples of such insensitivities, including the lack of legal recognition accorded to some groups and the reluctance to recognize their adherents as members of a religion or belief community.

One participant remarked that unfair and biased portrayals of religions or beliefs have the potential to lead to conflict and violence. Another speaker asserted that to create a

⁵ The text of the Toledo Guiding Principles is available at <http://www.osce.org/odihr/29154>.

tolerant society, education should provide information about all religions and beliefs. In this context, various interventions drew attention to the poor quality of some textbooks and teaching materials, which present inaccurate pictures or stereotypes of religions or religious groups. Participants agreed that textbooks should be of high quality and that their content should be carefully monitored and assessed.

SESSION III: Religious Symbols and Expression

Moderator: Mr. Christoph Grabenwarter, Judge, Constitutional Court of Austria and Member of the European Commission for Democracy through Law (“the Venice Commission”) of the Council of Europe

Introducer: Dr. Adash Toktosunova, Chair of Department of Philosophy and International Law, Diplomatic Academy of the Ministry of Foreign Affairs of Kyrgyzstan

Introducer: Mr. Tarafa Baghajati, Chair, Austrian Muslim Initiative

The third working session centered on various aspects of religious symbols and expression, including different models adopted in the OSCE area, how to protect religious symbols from intolerance and the question of permissible limitations on religious symbols. The two introducers elaborated on issues related to religious symbols and expression from different perspectives but agreed on the importance of avoiding discriminatory policies.

Opening the session, Dr. Adash Toktosunova underlined that OSCE states have adopted different systems and practices regarding the acceptance of religious symbols in the public sphere. Dr. Toktosunova made the point that religious symbols can in some instances be seen as the expression of local identities within the globalization process. As such, care should be taken to prevent treating any religious symbols in a discriminatory way, and to respond if such treatment does occur.

Mr. Tarafa Baghajati also addressed the issue of discrimination in regard to symbols, contending that in certain cases policies on banning religious symbols are applied in a discriminatory way. He argued that limitations on the public display of religious symbols should be studied within the realm of OSCE commitments. In regard to symbols in the public space, Mr. Baghajati stressed that state policies on symbols and expression should signal the acceptance of all segments of society, and of all religions or beliefs.

During the working session discussions, speakers addressed the issue of religious symbols in public life, linking it to the topic of the neutrality of the state and expanding on points made in previous working sessions. Participants offered conflicting viewpoints regarding the presence of religious symbols in the public sphere. Some participants contended that public areas should be strictly neutral and that placing religious symbols in areas such as public schools or government buildings would contravene the principle of secularism and send the message that the government is endorsing religion in general, or a specific religion. Other contributors considered that secularism does not require the exclusion of religious symbols from the public space, since religion has a collective dimension as well as an individual one.

Many participants gave examples of limitations on the public display of religious symbols. While there was no agreement among participants of what constitutes a

religious symbol, various speakers mentioned crucifixes, minarets, beards and head coverings such as Sikh turbans or Muslim headscarves. Many participants contended that any limitations on such symbols constituted an undue curtailment of freedom of religion or belief.

Numerous participants advocated recognition of the positive value of religions and beliefs in our societies. Some supported the idea that public spaces should be open to religious symbols without any distinction or discrimination. Other speakers underlined the importance of recognizing the traditional historical role played by some religious traditions. One intervention argued that the issue should not be seen in absolutist terms but each case should be examined on its merits, since there are many different types of public space and many different interpretations of what constitutes a symbol.

Finally, participants drew attention to cases across the OSCE region where freedom to manifest religious beliefs was not respected. In addition, many speakers raised concerns about the persistence of acts of intolerance against places of worship, which are often attacked because they are perceived as religious symbols.

IV. ANNEXES

ANNEX I: Agenda



SUPPLEMENTARY HUMAN DIMENSION MEETING

ON

FREEDOM OF RELIGION OR BELIEF

9-10 December 2010
Hofburg, Vienna

Day 1

9 December 2010

15.00 - 16.00

OPENING SESSION:

Opening remarks

A representative of the OSCE Chairman-in-Office

Ambassador Janez Lenarčič, Director of the OSCE/ODIHR

Keynote speeches

Ms. Iman Valeriya Porokhova - Member of the Russian Academy of Natural Sciences, Russian Federation

Prof. Silvio Ferrari - Professor of Law and Religion, Faculty of Law, University of Milan and Member of the Advisory Council of the OSCE/ODIHR Panel of Experts on Freedom of Religion or Belief, Italy

Technical information by the OSCE/ODIHR

- 16.00 - 18.00 **Session I: OSCE Commitments on Freedom of Religion or Belief: Emerging Issues and Challenges**
- Introducer: Prof. Bulent Senay* - Professor of History of Religion, and Counselor for Religious Affairs at the Embassy of Turkey in the Netherlands and **Mr. Vakhtang Kipshidze** - Department for External Church Relations of the Moscow Patriarchate and Member of the OSCE/ODIHR Panel of Experts on Freedom of Religion or Belief, Russian Federation
- Moderator: Mr. Mark Weitzman* – Director of Government Affairs, Simon Wiesenthal Center, United States
- Discussion*
- 18.00 **Reception by the Chairman-in-Office**
- Day 2** **10 December 2010**
- 10.00 - 12.00 **Session II: Education and Religion or Belief**
- Introducer: H.E. Archbishop Silvano M. Tomasi* - Apostolic Nuntio, Holy See Mission to the United Nations in Geneva and **Prof. Heiner Bielefeldt** - United Nations Special Rapporteur on Freedom of Religion or Belief and Professor of Human Rights and Human Rights Politics at the University of Erlangen-Nürnberg, Germany
- Moderator: Prof. Robert Jackson* - Professor of Religions and Education at the Institute of Education at the University of Warwick, United Kingdom
- Discussion*
- 12.00 - 14.00 Lunch
- 14.00 - 16.00 **Session III: Religious Symbols and Expression**
- Introducer: Dr. Adash Toktosunova* - Chair of Department of Philosophy and International Law, Diplomatic Academy of the Ministry of Foreign Affairs of

Kyrgyzstan and **Mr. Tarafa Baghajati** - Chair, Austrian Muslim Initiative, Austria

Moderator: Prof. Christoph Grabenwarter - Judge, Constitutional Court of Austria and Member of the Venice Commission of the Council of Europe, Austria

Discussion

16.00 - 16.30

Break

16.30 - 17.30

CLOSING SESSION:

Reports by the Working Session Moderators
Comments from the floor

Closing Remarks

Ambassador Janez Lenarčič, Director of the OSCE/ODIHR

17:30

Close of Day 2

ANNEX I: Texts of Speeches

Welcoming statement of the Ambassador-at-Large of the Ministry of Foreign Affairs of Kazakhstan M. Jarbussynova at the opening of the third Supplementary Human Dimension Meeting on Freedom of Religion or Belief (9 December 2010, Vienna)

Dear ladies and gentlemen,

Beginning my speech, I cannot avoid mentioning the OSCE Summit, which was held in Astana last week. It is very important that in the final declaration of the Astana Summit participating States reaffirmed their commitment to the core values of our Organization, including in the sphere of fundamental freedoms and human rights.

Allow me on behalf of the Chairperson-in-Office to thank you for the support given to our Chairmanship throughout this year and welcome you at the opening of the third Supplementary Human Dimension Meeting on Freedom of Religion or Belief.

First of all, I would like to thank the ODIHR and OSCE Secretariat for assistance in organizing this event.

Issues of religion are directly linked to tolerance and non-discrimination. As you know, Kazakhstan has identified the issue of tolerance as one of priorities of its OSCE Chairmanship.

I am confident that today's meeting, which is the final Supplementary Human Dimension OSCE Meeting being organized under the Chairmanship of the Republic of Kazakhstan this year, will be held at the appropriate level, while the official delegations and NGO representatives will present objective and comprehensive information on the situation of religious freedom in the area of our common Organization.

In general, given the theme of the meeting, I expect that during these two days we will have lively discussions, however, within the framework of constructive dialogue that will enable all participants to rationally discuss the current aspects of protection and promotion of freedom of religion or belief.

In context of the meeting I would like to note that the freedom of religion or belief is one of the most central and longstanding of OSCE human dimension commitments. Principle VII of the 1975 Helsinki Final Act commits participating States to "recognize and respect the right of the individual to profess and practice, alone and in community with others, religion or belief in accordance with the dictates of his own conscience."

Throughout the CSCE process, this basic commitment to freedom of religion or belief was further elaborated and developed to become the most detailed and complete provision pertaining to religion of any international human rights instrument. Recent Ministerial Council decisions, MC Decisions 4/03, 12/04, 10/05, 13/06, 10/07, have reiterated the importance of the commitment to freedom of religion or belief, also linking it to the promotion of tolerance and non-discrimination and to raising awareness of religious diversity, including in the area of education.

The OSCE's approach in the sphere of freedom of religion or belief is twofold: on the one hand, ensure the implementation of OSCE commitments on freedom of religion or belief; on the other, combat forms of intolerance and discrimination that have religious dimension.

MC Decision 4/03 commits participating States to ensure and facilitate the freedom of the individual to profess and practice a religion or belief, alone or in community with others, where necessary through transparent and non-discriminatory laws, regulations, practices and policies. MC Decisions 10/05 and 13/06 task the ODIHR to continue supporting participating States and providing expert assistance through its Advisory Panel of Experts on Freedom of Religion or Belief. In the implementation of their commitments, OSCE participating States can benefit from the expertise of the ODIHR's 62-member Advisory Panel of Experts on Freedom of Religion or Belief established in 1997 to provide high-level knowledge on issues related to freedom of religion or belief.

The Advisory Panel is a unique body in the international arena as there are no other specialized consultative committees focusing on the area of freedom of religion or belief. The ODIHR is the only international actor that provides specific technical assistance in the area of freedom of religion or belief, with a special attention devoted to the legal aspect and the legislative framework.

In the sphere of freedom of religion or belief the ODIHR has developed a toolkit aimed at assisting participating States in the area of legislation on freedom of religion or belief, co-operating regularly with institutions, such as the Office of the High Commissioner for Human Rights and the Venice Commission of the Council of Europe.

Dear participants,

During the last 15-20 years many participating States, including Kazakhstan, have been carrying out reforms in the sphere of freedom of religion or belief in order to improve existing legislative framework and bring it into compliance with international standards.

However, everybody understands that this cannot be done in a day or even a decade. Taking into account the nature of the issue, it is a very difficult and important process, requiring comprehensive approach. That is why this theme has received a lot of attention at the OSCE events during the recent years. Therefore, we need to carefully approach the process of promotion of freedom of religion or belief and take active part in it.

In this regard, I urge everyone to discuss not only the existing problems in the sphere of religion in the OSCE area, but also ways to resolve them. I think that constructive discussions on this dialogue platform will help to identify emerging issues and trends in the promotion and protection of the right to freedom of religion or belief in the area of responsibility of our Organization.

At the conclusion of my speech, I would like to express hope that the active exchange of experience among various countries to the West and the East of Vienna, will allow the participants to review and possibly initiate the implementation of some innovations that are already functioning successfully in other countries.

**Address by Ambassador Janez Lenarčič
Director of the OSCE Office for Democratic Institutions
and Human Rights (ODIHR)**

Supplementary Human Dimension Meeting

on

'Freedom of Religion or Belief'

**Neuer Saal, Hofburg, Vienna
9 December 2010**

Excellencies,

Ladies and Gentlemen,

It is with pleasure that I welcome you to this year's third - and last - Supplementary Human Dimension Meeting, on Freedom of Religion or Belief. This is the second year in a row that an SHDM is devoted to this topic, reflecting the importance of this issue across the entire OSCE region.

The presence of numerous civil society representatives in this room today further confirms the interest in this set of topics is shared also by religious or belief communities and by many NGOs. The high-level participation of representatives of the United Nations' Office of the High Commissioner on Human Rights and the Venice Commission further underscores its relevance.

With this, I would ask the representative of the Chairman-in-Office, Ambassador Madina Jarbussynova, to deliver the opening remarks.

*

Thank you, Madam Ambassador.

Ladies and gentlemen,

The issue of ‘freedom of religion or belief’ in all its variations has acquired a **prominent position in public discourse** over the last decade. Issues such as the relation of freedom of religion or belief and other human rights, religious education, and the display of religious symbols in public life have been discussed controversially, and also feature on our agenda this afternoon and tomorrow.

Before starting our discussions today, I would like to make **two sets of remarks** on the status of freedom of religion or belief in the OSCE area.

My **first point** is that we must work to make sure that two equally important, partially overlapping and mutually reinforcing sets of OSCE commitments are effectively implemented. The first relates to fostering a climate of tolerance and mutual understanding, and the second relates to guaranteeing the right to freedom of religion or belief.

These two sets of commitments should not be confused with each other. Though promoting tolerance is a worthwhile undertaking, **it cannot substitute** for ensuring freedom of religion or belief. An environment in which religious or belief communities are encouraged to respect each other but in which, for example, all religions are

prevented from engaging in teaching, or establishing places of worship, would amount to a **violation of freedom of religion or belief**.

We have in our work sometimes seen a tendency of endorsing and supporting the notions of tolerance, interfaith dialogue and co-operation while **failing to protect religious rights**, including those of smaller and less popular groups. So let me repeat: tolerance among familiar and prevailing religions is positive and to be encouraged, but it is not a substitute for protecting the religious freedom rights of all.

*

My **second point** concerns the persistent challenges to freedom of religion or belief in constitutional law and legal frameworks of participating States. While all States have – to some degree – **formally complied** with commitments on freedom of religion or belief to this extent, not all legislation in the OSCE area fully conforms to OSCE standards, and there are **larger deviations in practice**.

Under applicable limitation clauses, **restrictions** on manifestations of religion are **permissible only** if they are prescribed by law and necessary to protect public safety, order, health, or morals, or the rights and freedoms of others. Too often, state practices **fail to meet these requirements**. Either the legitimating grounds are construed too broadly, or the limitations are not strictly necessary. In either case, the result is that freedom of religion or belief is correspondingly **narrowed**. Be it

- the freedom to worship;
- the right to establish and maintain appropriate charitable and humanitarian institutions;
- the freedom to use articles and materials related to rites and customs;

- the right to write and disseminate relevant publications; and
- to teach a religion or belief in places suitable for this purpose;
- the right to train and designate appropriate leaders;
- and to observe days of rest, to name a few.

(Art. 6 of the 1981 UNGA Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief)

There are still cases in the OSCE area where individuals and groups cannot freely study religion, assemble to worship, read and disseminate religious literature or establish charitable organizations. In some cases, they face serious administrative and criminal charges for engaging in these activities. This, frankly, is not in line with the 1989 Vienna Concluding Document which states that participating States should ensure that restrictions are **not abused and not applied in an arbitrary manner** but in such a way that the effective exercise of these rights is ensured.

Let me mention one important issue in this regard: the right to manifest one's religion - either individually or in community with others, in public or private - is **not conditional** upon the granting of a **legal entity status by the state**. So the prohibition on all religious activities without 'registration' is an unnecessarily broad limitation of freedom of religion or belief. Conversely, OSCE commitments **affirm the right to acquire legal entity status** that enables religious groups to enter into the full range of religious activity. Yet despite these commitments, there are cases in the OSCE area where unregistered religious or belief activity is forbidden.

Ladies and Gentlemen,

Our Organization has developed an extensive practical and normative *acquis* on freedom of religion or belief. I am sure that events like this one contribute to the discussion on these topics and are conducive to better implementation of our shared commitments.

**SUPPLEMENTARY HUMAN DIMENSION MEETING
ON FREEDOM OF RELIGION OR BELIEF**

9-10 December 2010

Vienna

OPENING SESSION

Statement by Ms. Iman Valeriya POROKHOVA

Member of the Russian Academy of Natural Sciences, Russian Federation

We stand at a critical moment in the World's history, a time when humanity must choose its future. As the world becomes increasingly inter-dependent and fragile, the future at once holds the chance of great peril and great promise. To move forward we must recognize that in the midst of a magnificent diversity of cultures and life forms we are one human family with a common destiny. We must join together to bring forth a sustainable global society founded on respect for human rights, honour, dignity, social and economic justice. Towards this end it's imperative that we realize the full extent of our responsibility to one another and the future of our offspring. Fundamental changes are needed in our values, institutions and ways of living. Our environmental, social, economic and spiritual challenges are inter-connected and together we can forge reasonable solutions. An additional emphasis that runs through all activities in this sphere is the ability of art and artistic expression to facilitate change throughout all we do. By using art resources to texturize our social justice work we touch hearts as well as minds. Our cultural diversity is a precious heritage and it's our duty to recognize and preserve traditional knowledge and spiritual wisdom in all nations and cultures that contribute to protection human well-being and are tolerant to diversity in spirit and culture. But this tolerance to diversity doesn't presuppose loutishness, abuse and insult which we encounter in the "ill-famous" cartoons of a Jewish artist on Prophet Muhammad, Hollywood insinuations on Jesus Christ mission and the like, all this leaves no one indifferent and excites turmoil and aggression. This is an obvious example of how political and ethnic preferences get the upper hand over our big talk upon respect and tolerance.

Taking into account that the executors of terrorist acts are immigrants or emigrants from Muslim countries they constitute a tangible threat both to Islam and to Muslims who don't share the extreme views of their violent neighbours who maintain alien to Islam right to disobedience, mutiny and discord-(arab.) "fitna". The Holy Qur'an declares: "Fitna is worse than death". And Ibn Hanbal, head of the most radical school in Islam claimed: "Fitna destroys the fundamental basis of religion and backing (supporting) even the least of all rulers is better than starting up fitna." The Holy Qur'an gives a definite command how to deal with the situation: "If two parties among the believers fall into a fight make you peace between them. But if one of them transgresses beyond bounds against the other, then fight the one that transgresses until it complies with the command of God." War throughout the whole of our land impacts soldiers and civilian population alike and exacts wounds on our society. Both pay extremely heavy price for war's mythic role and its shady enterprise in national life. We should exercise a multi-cultural multi-faith global initiative that will help us to develop strategies that promote reconciliation and peace, lasting collaborations in faith and culture, and heal divisions in our society. Interfaith dialogue is a first step towards action. And most definitely a priority in this arena is to promote reconciliation between the Muslim and Non-Muslim worlds. To

begin with we should create a safe space to bring people together from all sides of the issue, thus giving ground to the real and often untold consequences of conflict to emerge. Here we should work with experts to inform and inspire. I believe we possess enough strength and resources within our diverse communities to mitigate issues of religious intolerance and, as a consequence, armed conflicts.

To exclude this we should stop addressing people of Islamic origin “islamists, terrorists, extremists” because in their minds suffix “ist” (in political and social sense) is always associated with negative meaning: marxist, communist, materialist, nihilist etc.

As long as we keep applying the words “islamist, islamic terrorist” to the executors of terrorist acts, we continue to excite anger and rejection of all Muslim communities because by doing this we thrust (foist) the responsibility for the committed crime on the innocent law-abiding Muslims who justly consider this as an attack on their religion and their dignity, and demand the same verbal reaction to Catholic disturbances in Ireland, ethnic(national) disturbances in Spain, geopolitical disturbances of Buddhists in Tibet. I remember a couple of years ago some time before the aggression 11.11. 2001 on “Twins” in New York there was a terrorist attack on the Trade Centre in New York with more than one hundred victims. All mass media described it as committed by *Muslims*. A very short time later absolutely the same kind of aggression was committed in Oklahoma City with approximately the same number of casualties. But that time it was plainly said that the crime was committed by two *Americans*. A very strange compilation, isn’t it? In the first case- *religious* component was introduced into the issue, in the second-*ethnic* (national) component. A very selective approach to the appraisal of the event, isn’t it?

Political systems, economic, financial, educational structures come and go as soon as they expire their usefulness. Evolution is built in God’s Providence and it concerns only the processes in Nature and transformations in social and political life. The only space not subjected to material evolution is religious feelings of the man inspired in him by our Creator (God Almighty) and lasting forever.

These feelings are not only sacred for every believer but they constitute a powerful unifying factor. Incompetent and offensive linking (tying up) religious feelings of a man with geopolitical and financial interests of people in power at present time, attempts to thrust on the decent people professing the norms of their religion, responsibility for the irresponsible, indecent behaviour of terrorists may become a powerful instrument for worldwide cross-cultural as well as global inter-faith confrontation.

All the world monotheistic religions are named after their ancestors-Buddhism, Zoroastrism, Jewdaism, Christianity. The only religion which possesses in its very name conceptual meaning is Islam. Explanatory arab-arab Dictionary gives the vocabulary meaning of this name: peace, tranquility, clear conscience, security, good intentions, no excess in anything. The root meaning of SLM (the word Islam without vowels) doesn’t allow the smallest hint of any form of either aggression or discord. And when mass media use word combinations “Islamic terrorism, Islamic extremism” which, when translated, mean “peaceful terrorism, moderate extremism” this sounds as philological nonsense and you can clearly see that this shows absolute ignorance and illiteracy of our Press. In the same Dictionary you’ll find the one and only meaning of the word “Muslim”- believer in God, a person professing Islam. Prophet Mohammad said: “The moment a Muslim commits a death act of one innocent soul, he stops being a Muslim and he will never feel the smell of Paradise”. And here I would add: the killer stops being a Christian, a Jew or

whatsoever. A killer should be taken to the court! In this connection it is very important to stress that when we call terrorists “Shahids or Muslims” we discredit these two words which are of the extreme importance to every muslim, on the one hand, and we endow killers with the highest honour and glory and make them feel proud and happy, on the other. The same feeling of absolute happiness and pride experience their families.

We urgently need *a shared vision* of *basic values* to provide an ethical foundation for the emerging world community and exercise respect in all its diversity. Unfortunately, our diversity goes to a much deeper level than it may seem at first sight. We see only its surface. Its roots are strongly interrelated with human basic values. And these values have all the reasons to be absolutely the same and common to the whole of humanity with very negligible divergences. They are plainly described in two Big Books- The Holy Bible and The Holy Qur’an. All the “do”es and “don’t”s, all the ordinances and prohibitions are actually the same- coming from one and the same source: Moses Law- a Table with Sacred Text inscribed upon it by God Almighty and revealed to Moses. And Islam is the only religion that assumes this as an Absolute Truth, the Providence of God Almighty, whose highest aim is not to divide but to unite. Moreover, Islam is the only religion that doesn’t insist on its “one and only”ness. The Holy Qur’an, Chapter 5, verses 43-48: “But why do they come to thee (oh, Muhammad!)” for decision, when they have Torah before them?-Therein is the (plain) command of God...It was We who revealed the Torah(to Moses): therein is guidance and light... We ordained therein for them: life for life, eye for eye...We sent Jesus, the son of Mary, confirming the Torah that had come before him. And We sent him *the Gospel*, and therein is guidance and light, and *confirmation of the Torah* that had come before him...Let the People of the Gospel judge by what Allah hath revealed therein. If any of them fail to judge by what the God hath revealed, they are those who rebel. To thee (oh, Muhammad!) We sent the Scripture in truth(*the Holy Qur’an*), *confirming the Scripture that came before it* and guarding it in safety...To each among you have We prescribed a Law and an Open Way. If Allah had so willed, He would have made you a single People, but (his Providence is) to test you in what He hath given you: so strive (as in a race) in all virtues.” In Chapter 11, verse 118, we have God’s declaration of the greatest importance: “If thy Lord had so willed, He could have made mankind one People,”- that is: all mankind might have been one but in God’s plan man was to have a certain measure of free-will and this freedom to exercise your own free will makes all the difference (Chapter 22, verse 40): “If Allah did not check one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues, and mosques, where the name of Allah is commemorated in abundant measure.”

And as the moral values are practically the same in all Scriptures, they may constitute the basis of our inter-ethnic and inter-faith relations and cooperation. But to our great concern and sorrow life often involves tensions between important values. This can mean (require) difficult choices. However, we must find ways to harmonize diversity with unity.

We ought to examine our values and introduce amendments to the ways we are accustomed to, and choose a better way founded on a shared ethical framework that embrace a new vision shared by growing number of people in many nations and cultures throughout the world. In this we should uphold the right of all without discrimination to human dignity, bodily health and spiritual well-being. We should enhance the

intellectual, social and financial resources of developing nations, promote the equitable distribution of wealth among them, enable them to develop their capacities and to pursue their aspirations.

Many of these values both in Europe and America suffered sufficient transformation and to be more exact- a quite perceptible devaluation. Death penalty (death for death, eye for eye in Scriptures) has been transformed to milder verdicts. The wide-spread usury, sodomy, adultery, alcohol, mild narcotics, pork, half-clad ladies have been either legalized or covertly permitted. And when we raise the question why do Muslims suffer great difficulties with assimilation in Europe the answer doesn't make us wait long- it's plain and unambiguous: they hold on to God's Ordinance. Certainly, from time to time they may exceed the bounds by wearing paranja (yashmak) or engage themselves and some activities alien to our understanding, but having no tangible impact on our life. We certainly should excuse them for these insignificant trifles because if we allow ourselves to violate God's Ordinances, it's our problem and we must be ready to pay for it.

The gist:

God Almighty has revealed **Law to Mose** in the Old Testament (Torah).

He has revealed **Ethics** of fulfilling the Law (love, mercy, compassion) **to Jesus Christ** in the New Testament (Gospel).

He has revealed to **Muhammad Qur'an** where He ensured the connecting link between the two (mentioned above) conveying it with the whole multitude of signs of the highest scientific value, the access to which was provided exclusively with the help of the most powerful technical facilities of the 20th century. Moreover, the Holy Qur'an pointed out some scientific inaccuracies in the Bible text incompatible with modern knowledge which was provoked by the abundant intrusion of human factor. We may therefore agree with Jean Guilton when he says: "The scientific errors in the Bible are the errors of mankind". See: Maurice Bucaille "The Bible, the Qur'an and Science. The Holy Scriptures examined in the light of modern knowledge".



Verses from the Holy Qur'an

II: 256.

Let there be no compulsion in religion: Truth stands out clear from error.

II: 190-193.

Fight in cause of God those who fight you... But fight them not unless they **first** fight you... And fight them on until there is no more persecution... Turn them out from where they have **first** turned you out... But if they cease the fight do not transgress limits for God loveth not transgressors.

LX: 8.

God forbids you not to deal kindly and justly with those who fight you not for your Faith nor drive you out of your homes.

III: 61.

If anyone disputes... say: come and let us gather together,- ourselves and yourselves, our sons and your sons, our women and your women, - and then let us clear the dispute.

V: 82.

And nearest among them in love to the Muslims will you find those who say: “We are Christians”, because among them are men devoted to learning, and men who have renounced the world, and they are not arrogant.

VII: 31-33.

O, Children of Adam! Wear your beautiful apparel at every time and place... Say: Who has forbidden the beautiful gifts of God which He has produced for His servants, and the things, clean and pure which He has provided for sustenance? ... Say: the things that my Lord has indeed forbidden are: indecent deeds, sins and trespasses against Truth or reason.

Chapter 109: 1-6

Say: O you that reject Faith!

I worship not that, which you worship.

Nor you worship that, which I worship.

And I will not worship that, which you will worship,

Nor will you worship that which I will worship.

To you be your Way (in eternal life) and to me – mine.

OSCE Supplementary Human Dimension Meeting
Vienna, December 9-10 2010
Opening Session
Keynote Speaker: Prof. Silvio Ferrari

Scholars and academics (and I am one of them) are well known for being in permanent disagreement. But on two points most of them would agree: As Ambassador Janez Lenarčič pointed out, plurality of belief systems (including both religion and non belief) is growing everywhere in the world and religions are much more visible in public space now than 20 or 30 years ago. These two processes – pluralization and publicization of religion - increase the complexity of the task of protecting freedom of religion or belief for all, and necessitate strengthening and updating the regulation of the relations between States and religions. What is the contribution that the OSCE can give to this task that is primarily a responsibility of the States and the religious communities? How can it help build a system of relations that is based on the commitment to human rights and, at the same time, is respectful of individual and national identities?

Reaffirming without reservation the two commitments already taken by the participating States is the starting point.

The first commitment was made in 1975, at the Conference for Security and Cooperation in Europe, when a declaration of extraordinary importance for freedom of religion and belief was adopted. The seventh principle of the Helsinki Final Act commits the participating States to “recognize and respect the freedom of the individual to profess and practice [...] religion or belief *acting in accordance with the dictates of his own conscience*”. This statement needs to be read in connection with art. 16 of the Concluding Document of the OSCE Vienna Meeting, that obligates the participating States to “prevent and eliminate discrimination against individuals and communities, on the grounds of religion and belief”. Taken together, these provisions mean that, in the matter of religion or belief, every person has the right to make the decisions dictated by his conscience without incurring any legal discrimination. As a consequence, within the OSCE space, the faithful of whatever religion as well as the individual who professes no

religion should not face, because of their choices, any restriction of the civil and political rights granted to everyone.

This implies also that each individual has the right to leave or change his religion: the person who leaves the religious group he belongs to (even in the event of having belonged to it since birth) exercises a right that the State is obliged to uphold even against the members of the religious group that is abandoned.

The relevance of this principle goes far beyond the borders of a sound legal system and affects the relations between civil society and State. Without the freedom to have or not have a religion, to profess and manifest it, and to change it, civil society is impoverished and it cannot perform its task to provide the values that feed the State and its activity. Maintaining a space where everyone can manifest his religious or non-religious conceptions of life without being discriminated against is the pre-condition for the existence of a vibrant civil society.

This reference to civil society brings me to consider the second – and equally important – commitment taken by the OSCE participating States. It concerns the collective dimension of freedom of religion and belief. As I have said, the right to have, not to have, or to change religion or belief is a right that has to be granted unconditionally and without limitations, because it regards primarily the *forum internum*, the most private dimension of human life: But freedom of religion or belief has also an external and public dimension, as underlined in Principle VII of the Helsinki Final Act where it refers to the freedom to *practice* religion or belief alone or *in community* with others.

Here we enter the area of manifestation of religion or belief, where two different needs are to be taken into account at the same time. On the one hand, granting individuals and groups the concrete possibility to manifest in practice their different conceptions of life is an essential component of any democratic society, which is grounded on pluralism: The search for a common good, to which everybody has the responsibility to contribute, has its starting point in this plurality of worldviews. Religious and belief groups have the right and the responsibility (if they wish to do so) to enter the public sphere and give their

contributions to building a just society through their conceptions of life and social organization, on equal footing with other social actors. On the other hand, this plurality of different worldviews requires that the rights of all stakeholders be respected. On this ground some limits to the manifestation of religion or belief are permissible when they are aimed at granting the peaceful and productive coexistence of individuals and communities.

How to govern this plurality of religions and beliefs is the problem we need to face. In the context of the processes of pluralization and publicization of religion I mentioned at the beginning of my speech, the balance between manifestation of religion and legitimate limitations cannot be fixed once and for all: it has to be found case by case, taking into account the changing conditions of time and space. Let me give you three examples.

Last year the Supplementary Human Dimension Meeting devoted its attention to the issue of places of worship. Having a place to pray and assemble is part of the right of religious freedom, as is clearly indicated in art. 16.4 of the Vienna Concluding Document. Therefore, while places of worship are bound to respect general rules applicable to all places where a large number of persons meet, they cannot be subjected to special legislation that imposes distinctive restrictions on religious places and, for example, that limits the availability of a place of worship only to registered religious communities: this would result in an indirect infringement of the right to religious liberty.

This year the Supplementary Human Dimension Meeting will focus on religious symbols and expressions and on education. Religious symbols pose a very sensitive issue, where different cultural and social backgrounds have to be taken into account. I shall limit myself to one remark. A distinction should be made between those persons who wear religious symbols in their private capacity and those who want to do so when performing a public office. In the first case freedom to manifest religion or belief takes the precedence, provided there are no compelling reasons based on security or other legitimate limitations; in the second case this freedom can be restricted when it

undermines the trust of the citizens in the impartiality of the State, its institutions and employees.

Education is an equally sensitive topic. In many OSCE countries religious and belief education is provided in schools, with the cooperation of the State. Sometimes it is given under the form of education *in* a specific religious or belief tradition, sometimes as education *about* different religions or beliefs. These different forms are to be accepted as part of the traditions of each State, provided they respect the freedom of religion or belief of all the involved persons: students, parents, teachers and administrators. The OSCE has provided some direction in this field through the Toledo Guiding Principles on Teaching about Religions and Beliefs. As it is clearly stated in this publication, they do not intend to take sides in favour of the one system or another: the Toledo Guiding Principles simply offer those States that have opted for teaching *about* religions some guidelines to ensure that an impartial and balanced approach to this difficult task is taken.

It is time to conclude. There is little doubt that we are moving towards an age of plurality in religion and belief. We should not be afraid of this trend. A Pew Forum Study of last year shows that religious and belief plurality is not associated to conflicts: on the contrary, where the level of religious freedom is higher, fewer incidents are reported. The examples I have just made show that governing plurality is not impossible on one condition. We need to learn to view plurality not as a liability but as an asset, on which each State can build its own system of relations with religions, provided that human rights commitments are safeguarded and a space for feeling safe and respected in our common world is granted to all.

Freedom of Religion as a Public Policy: A Reflexive Approach to the Implementation of Commitments

by
Bülent Şenay⁶

Dear Friends, Excellencies, Ladies and Gentlemen, Distinguished Delegates,

It is a great honor for me to be given this opportunity to address you on the freedom of religion and the human dimension of OSCE commitments. In continuation of the previous review conferences, today, we, the speakers, are asked to engage in an analysis of **the human dimension of commitments**, with particular attention to emerging issues and challenges facing States, civil society, religious or belief communities and individuals in the OSCE area.

In focusing on the question of freedom of religion, we need to adopt a practical and reflexive approach to the public space and common good, with reflexivity. Reflexivity, as coined by Anthony Giddens, is what Avicenna (Ibn Sina) called centuries ago - *irfan*, is the virtue/excellence of thought that deals with human choice and human action in relation to how one best lives one's life not only in private life but also in the public space. Reflexivity begins with the availability of individuals and institutions to reflect upon their own circumstances and refers to 'direct feedback from knowledge to action'. This may just allow us to develop a way of 'living together' based on an ethics of disagreement. This is another way of dealing with new challenges facing the implementation of commitments on freedom of religion in the public space.

Ladies and gentlemen,

The question of implementation is closely related to public policies. Public policy can be generally defined as the course of action (or inaction) taken by the state with regard to a particular issue. Other scholars define it as a system of "courses of action, regulatory measures, laws, and funding priorities concerning a given topic promulgated by a governmental entity or its representatives." Public policy refers not only to the end result of policies, but more broadly to decision-making and analysis of governmental decisions.

Freedom of religion and belief requires states to show equal respect to all beliefs – whether religious or nonreligious, theistic or non-theistic. The right to freedom of religion or belief in modern secular context was first stated by the U.N. in the Universal Declaration of Human Rights in 1948. Nineteen years later it was made legally binding (for signatories) by its inclusion in the 1967 Covenant on Civil and Political Rights, and, after nearly twenty years of drafting, the U.N. finally gave it detailed expression in the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief. In 1986 the U.N. Commission on Human Rights appointed a

⁶ Dr. Bülent Şenay, professor of history of religion&Islamic studies, is currently Counselor for Religious Affairs at the Embassy of Turkey in the Netherlands.

special rapporteur to investigate actions inconsistent with the 1981 Declaration and to recommend remedial measures.

One of the major issues challenging the debate surrounding ‘the right to freedom of religion’ is ‘the right to freedom from religion’ as many humanists put forward. Some argue that governments, and even human rights organizations, misinterpret ‘freedom of religion and belief’ so as to deny the rights of the nonreligious. It is again argued that ‘freedom of religion’ does not include the right to ‘freedom from religion;’ the meaning of ‘belief’ is misunderstood or even mistranslated. This is an unending symphony, which will probably live with us for a long time. Many religious believers throughout the world feel that their most cherished beliefs are threatened and negated by secularization; it may be difficult for them to accept that in working to protect the right to religion they should also ensure the right to freedom from religion.

Some of the issues surrounding freedom of belief may also be challenging for secularists. The distinction between a neutral state – treating religions and beliefs with equal respect – and an atheistic or anti-religious state can often be blurred or controversial; for example,

- should state schools ban religious expressions by pupils or merely ensure equal treatment and opportunity for expressions of belief?
- Other issues on which there may be mixed feelings include:
 - the right to proselytize (even by the so-called ‘brainwashing cults’? even in the workplace?);
 - the right to determine the education of one’s children (versus the right of the child to an objective, fair, and balanced education);
 - the land rights of indigenous people whose religion is based on a spiritual relationship to the land (should these claims override other claims to the land?);
 - the right to determine one’s own health care (even if one has a ‘self-destructive and irrational’ religious objection to a life-saving treatment?);
 - or the medical treatment of one’s children (what if a child refuses a life-saving blood transfusion on religious grounds: can the state overrule the principled choice of the child and/or the parents?).

Religious and nonreligious believers must work together – at local, national, and international levels – to make freedom of religion and belief a reality.

Dear Friends,

We have engaged the Review Conferences (in Warsaw, Astana, and now Vienna) with a strong focus on security matters related to human rights and fundamental freedoms, viewed in terms of the human dimension of security. But what about the religious dimension? The religious dimension seems to be overlooked from time to time. Yet it is here that a crime such as Islamophobia needs to be addressed, in the religious dimension of the human dimension, because it **faces us with a big challenge in terms of the relationship between freedom of expression and freedom of religion or belief.**

Islamophobia is a form of cultural terrorism. *Within the last month only, there were tens of violent attacks on mosques in various Western European countries. **These attacks threaten the freedom of religion.** Beside hate speech and hate crimes, freedom of religion related challenges faced by Muslims in Europe also include:*

- arbitrary administrative obstacles in the attempt to build mosques (the minarets issue in Switzerland);
- the interdiction to have their own graveyards or special sections in general ones;
- restrictions on veiling of Muslim women;
- non-recognition of Islam as an official religion, despite the Muslims being the second largest religious community in a given country;
- denial of funds from the state budget, which other religions receive;
- indirect or sometimes direct intervention of governments in the religious affairs of Muslims and in the selection of muftis;
- problems with waqf/communal property;
- teaching about Islam in public schools;
- surveillance of Muslim charities;
- denial of visas for foreign imams in some countries
- denial of the right to produce halal meat

Islamophobia threatens the very notion of freedom of religion because it goes beyond its own ‘borders’ and creates a butterfly effect, fueling other forms of discrimination and racism. Europe should therefore be careful in developing integration policies – of religion culture politics – not through security measures but through an ‘inter-culturally civilized transformative power,’ acting as an example. Any public policy dealing with Muslim immigrants under the category of ‘security’ measures only, will become a boomerang, creating a Don Quixote syndrome which is self-damaging for European societies.

Dear friends,

The policy dimension of ‘implementation’ is a business to be handled by governments. Governments should be able to identify through disaggregated data collection who the targets of racially or religiously aggravated offences are, if they were to create effective policies to address these phenomena. In order to strengthen freedom of religion they need to:

- Take all necessary measures to prevent racial/religious profiling and other forms of institutionalized racism, including Islamophobia;
- Conduct public awareness campaigns and specific programmes for governmental officials and citizens alike;
- Encourage and support intergovernmental human rights agencies and non-governmental organizations dealing with discrimination on the basis of ethnicity and religion;

In a nutshell, it is for governments to take action. Our job here is to encourage and share ‘perspectives’ for a broader view of implementation and this relates to **ethics, legislation and education**. The manifestations of freedom of religion or belief, like freedom of

worship, religious education, religious literature, autonomy of religious communities etc., are closely linked to the question of ‘**approach**.’ Unless the approach is ‘sober’, the implementation effort will not be very successful, hence the need to lay the emphasis on the ‘phronetic’ approach.

At this point, we also need to encourage work with the civil society for the grass-root on-the-ground implementation of the OSCE commitments through, inter alia, community outreach, education, victim assistance and monitoring of hate groups. I would therefore like to propose 3 concrete steps which could be taken towards a better **understanding of freedom of religion** and implementation of commitments:

1. We should develop an **ethics** of disagreement, which should include policies of integration and interculturality, and begin with ‘listening to the other’. This should also involve a more accurate use of language about religion and ethnicity, which are at the core of a multicultural society. **Freedom of religion is also a matter of language.** Governments, NGOs and especially the media should take the utmost care not to feed stereotypes about any religion or ethnic group. Let us remember that borders are created through ‘language’. Language is the physical manifestation of thought, the mortar in which we shape our understanding of the world. But what happens when words are transmuted from one language to another and subjected to preconceived notions or limitations prevalent in the new language? Do they lose some of their original meaning? If we were interested in gaining a better, more accurate understanding of any religion and ethnic culture, its concepts, doctrine, and ideas, we should concede that the definitions that shape our discourse on minorities in Europe **need a more robust scrutiny**. Cultures travel through media, but they are also transformed through the language in which they are presented. The public image of any given religion or culture is also shaped by language. Therefore, it is within an ethical framework that especially the media should portray and present issues related to religion and ethnicity, not for the sake of the ‘controversial value’ of it only.
2. We should also further refine the legislation designed to support freedom of religion, which should regard all levels - political, legal and economic, in both the national and international arena, in a systematic and strategic way. Legislation is crucial in terms of establishing *a sensible balance between freedom of religion and freedom of speech, because there are many instances when freedom of speech is used against freedom of religion*. Also, there are many instances when legislation exists but it is not enforced or it is faultily enforced, often purposefully so. **When attacks on mosques, prayer halls, community centers, ban of religious symbols, ban of religious education in public schools and hate crimes are the direct result of the incitement of politicians using the cover of freedom of expression in the supposed context of the immigration debate, they become relevant to freedom of religion, because this leads to a societal culture which suffers from mistrust, stereotyping and finally limitation through legislation.**
3. Not last and not least we should promote an **education** that counters xenophobic stereotypes and prejudices and facilitates respect and mutual understanding, which

are essential in maintaining our gains for freedom of religion. *Teaching is one of the most sensitive areas in the sphere of freedom of religion or belief for those concerned with the transmission of values to the next generations.* What we need is to understand, recognize and allow for differences and disagreements that require a certain level of **reflexivity** for a peaceful presence of religion in the public space. Yes, there is no place for utopia here, but understanding means ‘standing under’ something one wants to understand. Understanding is an approximation. ‘Better understanding’ is a key to the successful implementation of commitments on freedom of religion. And better understanding comes through education.

Therefore, dear friends, freedom of religion should make the object of an integrated and inclusive system of public policies. Public policies based on a phronetic’/irfaani (or ‘practical wisdom’) approach that includes ethics, legislation, and education, will lead to **a better implementation of commitments on freedom of religion.**

With this I conclude my remarks, look forward to our discussions and wish this conference every success.

Thank you.

SUPPLEMENTARY HUMAN DIMENSION MEETING
ON FREEDOM OF RELIGION OR BELIEF
9-10 December 2010, Hofburg, Vienna
Vakhtang Kipshidze

OSCE Commitments on Freedom of Religion or Belief: Emerging Issues and Challenges

Introduction

For Churches in Eastern and Central Europe, just as for the Russian Orthodox Church, which survived the era of atheist ideology, legal and political implications of religious freedom continue to be a subject of theological discourse and practical agenda. As we see now, the collapse of the antireligious regime has not made the problems related to religious freedom less pressing than they used to be. Therefore, the role of religious communities representing a considerable part of the civil society is to evaluate the tendencies and tenets that emerge on the basis on freedom of religion and belief.

On June 28, 2008 the Bishops' Council of the Russian Orthodox Church adopted a comprehensive document on human rights. It's called "The Basic Teaching on Human Dignity, Freedom and Rights" (BTHDFR). This document reflects the Church's view on the conception of religious freedom. The principle of freedom of conscience, as the document states, "protects the individual against any arbitrary treatment of his inner world, against any forcible imposition of particular convictions upon him". It ... "enables the Church to preserve her identity and independence from people of other convictions and gives her a legal ground both for the immunity of her internal life and public witness to the Truth". But the recognition of the value of religious freedom is conditional. Further the Basic Teaching stresses that "the freedom of conscience is sometimes treated as prescribing religious neutrality or indifference of a state and society".

Religious neutrality and secularism

Therefore, I consider the concept of the religious neutrality of a state to be the most disputable issue in the OSCE area. Attempts to establish a model religiously-neutral state in Europe have many negative implications. The most recent example of this is the case of *Lautsi vs. Italy*, which is still being reviewed by the Grand Chamber at the request of a group of European states including Armenia, Bulgaria, Cyprus, Greece, Lithuania, Malta, Monaco, San-Marino, Romania, and the Russian Federation. Previously the Chamber of Court decided that crucifixes displayed in Italian public schools violated the European Convention on Human Rights.

The idea to make the public space free from religious symbols has always been questioned by the Russian Orthodox Church. Actually, the religiously neutral public space will only mean a space intolerant to all the adherents of any beliefs. European culture is closely interlinked with religion and the links are different in each country. So, any state fighting against manifestations of religion in public undermines in fact the European civilization as a whole. If the logic of the European Court of Human Rights is to be followed, then we should demolish cathedrals topped with crucifixes in European cities and erase crosses from National Flags.

This approach to the religious diversity in Europe could be reasonably called Christianophobia. Strangely enough, most international organizations including the OSCE have achieved much success in protecting minorities, but nobody has ever thought that a majority could also prove to be the most vulnerable group.

It is evident that the concept of religiously neutral state should be reconsidered from the viewpoint of ideology. A secularist ideology is what is going to be on Europe's horizon if we fail to avoid dogmatizing religious neutrality.

Freedom of religion and beliefs and moral responsibility

Freedom of religion and beliefs is a cornerstone of the whole human rights system. That is why the overall trend in which the whole human rights system develops involves this freedom as well.

In its Basic Teaching the Russian Orthodox Church states that the human rights concept could lose its meaning if separated from morality. This concept, as evident from

the European Convention on Human Rights and other documents, implies that human rights should be realized in close link with morals. The idea to separate human rights from the moral dimension of human freedom is very fashionable but unreasonable. As a Church working on the grassroots level, we can testify that very many people who have lost moral guidelines abuse their own freedom. That does not mean that morals should be imposed by force, but society is expected to draw a line between good and evil. If we fail to do so, both in public and private, we will establish a morally indifferent society. But the problem is that a fragmented society, a union of people who treat their neighbors as means to satisfy their own needs, will not survive. To prove that one should see how the freedom of conscience is abused by the individual will. Take, for instance, leaders of quasi-religious movements who immorally exploit the religious feelings of their adherents, making them mental slaves, suicides, beggars or prostitutes. The problem is that the victims are convinced that they do all this by their own free will. And the law alone can do nothing about it.

The Basic Teaching on Human Dignity, Freedom and Rights considers the concept of dignity crucial for reviving the moral dimension in human rights doctrine. Human dignity combines freedom and morality. Relying on the human dignity, society as a whole can find a way to decide when freedom is used for the destruction of human personality. One's dignity is revealed in one's ability to act morally. It is much broader than "considerations for the rights of others". The contribution of religion here is to present its moral experience for public legislative usage.

Discussion on traditional values in the UN Human Rights Council

On 4 October 2010, the Office of the High Commissioner for Human Rights organized a seminar on Traditional Values and Human Rights. The seminar was a follow-up of a resolution initiated by the Russian Federation and adopted last year at the Human Rights Council's September session. The seminar's purpose was to discuss how traditional values can contribute to the promotion and protection of human rights. The representatives of the Russian Orthodox Church participated in the event at all its stages.

The seminar perceived dignity, freedom and responsibility as traditional values of humankind. Human dignity was considered to be the basis of human rights, as confirmed by the Universal Declaration on Human Rights. At the same time, dignity is a moral, ethical and religious value. The category of dignity is universal by nature. In the absence of a legal definition of dignity, religious traditions should be evoked to define it. For example, “in Orthodoxy the dignity and ultimate worth of every human person are derived from the image of God, but a human being preserves his God-given dignity ... if he lives in accordance with moral norms” (BTHDFR).

The first step made by the Office of the High Commissioner for Human Rights to launch a discussion on the role of traditional values in promoting human rights opens up a space for dialogue between religious communities and international organizations.

Final remarks

The freedom of religion and beliefs tends to gain an increasingly collective dimension in the OSCE region. Most challenges posed by the development of religious freedom are connected with communities rather than individuals. This refutes the assumption that religion is a point of private concern.

The common public space determining the *modus vivendi* of contemporary globalized world should be organized to give space for peaceful coexistence of diverse religious ideas. The concept of secularism as a universal approach for the public at large will not be accepted by most of the traditional religious communities in Europe as equally unfriendly to all of them.

The human rights concept is not self-sufficient without human dignity as it reflects not only the free nature of the individual but individual moral responsibility. The necessity to act with dignity is most demanded in the sphere of religious freedom.

The OSCE could benefit from establishing dialogue with traditional religious communities in Europe. Such dialogue would help the Organization to move from working on the problems of religious minorities to working out a model of multicultural coexistence in public sphere that could be applicable to all the OSCE member states.

OSCE Supplementary Human Dimension Meeting, 9-10 December 2010, Vienna

“Freedom of religion or belief and school education”

Heiner Bielefeldt

United Nations Special Rapporteur on freedom of religion or belief

- The school constitutes the most important formal institution for the realization of the right to education.
- Besides providing students with the necessary knowledge and information in different disciplines, school education can facilitate a daily exchange between people from different ethnic, economic, social, cultural and religious backgrounds.
- Freedom of religion or belief and school education, however, require very careful handling since the school is also a place in which authority is exercised and some persons, including members of religious or belief minorities, may find themselves in situations of vulnerability.
- Given this ambivalence of the school situation, safeguards are necessary to protect the right to freedom of religion or belief, both of the students and their parents or legal guardians.
- International legal framework on freedom of religion or belief and right to education:
 - Articles 18 and 26 of the Universal Declaration of Human Rights.
 - Article 18 of the International Covenant on Civil and Political Rights.
 - Article 13 of the International Covenant on Economic, Social and Cultural Rights.
 - Articles 14 and 28 of the Convention on the Rights of the Child.
 - 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.
 - 2001 Final Document of the International Consultative Conference on School Education in Relation with Freedom of Religion or Belief, Tolerance and Non-Discrimination (“Madrid Final Document”).
 - 2007 Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools (prepared by the OSCE/ODIHR Advisory Council of Experts on Freedom of Religion or Belief).
- Fundamental questions of school education related to issues of religion or belief – including the definition of educational principles, the compilation of the topics of the school curriculum, basic institutional and organisational arrangements, etc. – require a high degree of sensitivity.

- Educational policies should aim to strengthen the promotion and protection of human rights, eradicating prejudices and conceptions incompatible with freedom of religion or belief, and ensuring respect for and acceptance of pluralism and diversity in the field of religion or belief as well as the right not to receive religious instruction inconsistent with one's conviction (see *Madrid Final Document*, paragraph 4).
- Efforts should be made to establish advisory bodies at different levels that take an inclusive approach to involving different stakeholders in the preparation and implementation of school curricula related to issues of religion or belief and in the training of teachers (see *Toledo Guiding Principles*, page 16).

Доклад Токтосуновой Адаш

на Сессии III Религиозные символы и выражения. Совещание ОБСЕ 10 декабря Хофбург, Вена

Ваше Превосходительство, уважаемые дамы и господа!

Проблематикой межэтнического, межкультурного, межконфессионального, междивизиационного диалога и раннего предупреждения конфликтов я занимаюсь много лет, но впервые имею честь выступать на столь высоком Форуме в знаменитом зале Хофбурга по актуальной не только для ОБСЕ, ООН и других международных организаций проблемах, которые волнуют нас всех.

Глобализация и плюрализм заставляют искать ответы мирового сообщества как разрешить конфликт между необратимым процессом глобализации и все более упорным сопротивлением народов угрозе их национально-культурной идентичности. Наверное, не нужно доказывать бесперспективность попыток навязать человечеству единую модель развития без учета национальной культуры, религии, цивилизационной специфики, при этом гарантировать права человека на свободу совести и свободу вероисповедования?

Как ученый я вижу эту проблему в контексте общих и частных проблем: **глобализация – идентичность – культура – религия – символы**. Демонстрация религиозных символов и выражений зависит от своей культуры, внутренней стойкости, готовности к жертвам, лишениям. А восприятие этих символов на психологическом уровне, на уровне подсознания из-за незнания, непонимания, страха, низкого уровня образованности и информированности по религиозным вопросам превращаются в негативные стереотипные представления о религиях (чужое – значит враждебное), переходят на уровень бытовой, а затем поднимается на уровень политический – фактическое разжигание религиозной ненависти, дискриминации той или иной религии, запрещение, ограничение. Таким образом, общие и частные проблемы не разрешаются.

И как сказал грузинский писатель-философ **Чабуа Амирэджиби**: «На месте одного зла, уничтоженного путем насилия, вырастает пять-десять новых зол. В борьбе со злом нужна не столько сила, сколько мудрость. Настоящая победа над злом возможна лишь тогда, когда удастся зло переделать в добро. Это высокая, почти недоступная нравственная максима: переделать зло в добро». Вот эта нравственная миссия является философией ОБСЕ – интегрировать свою стратегию на создание стабильности, изучать, понимать различные религии, традиции, строить политические мосты между Востоком и Западом, и нужно поприветствовать стремление самой Организации к обновлению и адаптации к современным реалиям.

1. Для того, чтобы найти общий язык и говорить об одних и тех же вещах, в регионе ОБСЕ должны быть общие для разных стран дефиниции, общепринятые стандартные определения, глоссарий в том числе и по

обсуждаемым сегодня проблемам, потому что правильная постановка вопроса решает несколько проблем, неправильная – рождает несколько новых проблем. И как известно, без решения общих проблем, мы будем спотыкаться в решении частных проблем.

К примеру, международное сообщество все больше признает значимость права на свободу совести. Исследование имеющегося мирового опыта и проблем, возникающих в процессе механизма реализации права на свободу совести, приобретает особую значимость в поликультурном и поликонфессиональном мире. Между тем нет единого толкования понятия «право на свободу совести», то ли это нравственно-психологический аспект, то ли это понятие приобретает некое универсальное содержание, то ли это синоним понятию «свобода религии». Сведение обеспечения права на свободу совести к религиозной свободе изначально обречено на новые вызовы в этой сфере. Особую роль приобретает институциональный аспект реализации международных стандартов в области свободы совести.

Если в контексте международных гарантий выступать лишь за реализацию права на религиозную свободу, то в результате приходится сталкиваться с умалением позиций принципа светскости, что в ряде случаев выражается в усилении клерикализации. Разумеется, найти баланс в этой сфере непросто, но возможно. В этом отношении укрепление через ОБСЕ международных гарантий в области свободы совести, а не только свободы религии - наиболее оптимальный путь развития основных прав и свобод. В данном случае будет очевидна взаимосвязь, влияние международных стандартов и национального опыта, любое государство будет обязано обеспечить права людей вне зависимости от их мировоззренческого выбора. Когда международные организации апеллируют лишь к религиозной свободе, а не к свободе совести, то помимо их желания и намерений, в современных условиях это в определенной степени способствует клерикализации общества.

2. Как известно, именно в Европе, во Франции появился термин «лаицизм», близкий термину «секуляризация», когда в общественной жизни страны религиозные догмы, традиции, институты и практики утрачивают своё значение в различных сферах жизни общества. А в 2003 году ещё президентом Франции Жак Шираком был объявлен запрет на использование ярких религиозных символов в любых образовательных учреждениях, в общественных местах (это касается как демонстрации христианских крестов, так и ношения еврейских кип, хиджаба - мусульманами, тюрбана - сингхами). Несмотря на то, что лаицизм противоречит принципу свободы совести, запрет на использование был назван ключевым элементом социального взаимодействия и единства французской нации.

В Греции, 95% населения которой составляют православные, с 1939 года остается в силе закон о статусе иных церквей, согласно которому возведение церкви, синагоги, мечети, наряду с иными формальностями, требует разрешения местного православного митрополита. И хотя отказ митрополита дать согласие не носит характера административного запрета, тем не менее, соответствующие

органы Министерства просвещения и культов всегда в подобных случаях отвергают прошения со стороны неправославных.

Если взять исламскую правовую доктрину, то мы увидим, что она требует закрепления за исламом и шариатом функции единого законодательства. Свободная от религии юриспруденция неприемлема для мусульманства. По учению ислама, люди не создают законы, а применяют божественные законы на практике. Поэтому власть может быть исполнительной, но не законодательной. Между исполнительными и законодательными органами власти в исламе не может быть противоречий, так как они фактически являются исполнителями божественных законов. Поэтому можно говорить, что Коран - конституция исламских государств, где государственный строй установлен свыше. В отличие от Библии, которая не допускает политического влияния христианства на законодательные органы и правительства этих стран, для Корана – божественные законы неприкосновенны.

Иудейское право считается в формально-юридическом плане светским правом, интегрирующим в себе нормы светского законодательства и нормы религиозного иудейского права. Вместе с тем израильское общество стремится к компромиссу, приемлемому для религиозных и нерелигиозных кругов, а также к сохранению традиций в государственной и общественной жизни страны, существует особая сеть религиозных школ; государственное признание и субсидирование религиозных учреждений и служб. Практически невозможен переход евреев в другое вероисповедание, суровое уголовное наказание предусмотрено для лиц, содействующих такому переходу. В начале 90-х годов в Израиле насчитывалось около 7 тысяч официально зарегистрированных синагог. Столь большое число молитвенных зданий объясняется разнообразием литургий различных этнических групп и религиозных течений в иудаизме. Во многих синагогах после молитвы проводится изучение Закона. Число молящихся особенно значительно по субботам и праздникам. В крупные праздники синагогу посещает большинство еврейского населения страны. Во многих общинах принято справлять в синагоге семейные праздники: обряды бракосочетания, обрезания, бар-мицвы (совершеннолетия). Почти все конгрегации отмечают благодарственными молитвами День Независимости Израиля и День освобождения Иерусалима, а в субботнюю и праздничную литургию включают молитвы за благоденствие Израиля, за благополучие президента страны и ее армии.

3. Такие кардинально различные исторические, политические, экономические факторы различных стран, подчас непримиримых в вопросах не только демонстрации религиозных символов, но и в области равноправия по вопросу свободы религии и вероисповедования в регионе ОБСЕ ставят перед БДИПЧ все новые сложные задачи, Международные правовые институты не могут не учитывать сложность своего положения, находясь так сказать, между Сциллой и Харибдой. С одной стороны, необходимо отстаивать верховенство закона, с другой – стараться не «заболеть» излишней политизацией в деле обеспечения прав на свободу религии или убеждений. Проблема равноправия религиозных организаций

остаётся всё ещё актуальной как для западных стран, которые принято считать образцами демократии, так и для других стран, находящихся в регионе ОБСЕ. Как отметил Хавьер Матринез Торрон в одном из своих выступлений, «нужно сделать акцент на общих элементах, которые объединяют различные религии, нежели чем на различиях».

4. В итоговом документе обзорной конференции по выполнению Дурбанской декларации и программы действий по борьбе с расизмом, расовой дискриминацией, ксенофобией и связанной с ними нетерпимостью от 24 апреля 2009 года (Лиссабон), говорится об опасности «формирования негативных стереотипов и стигматизации людей на основе их религии или убеждений». Данное положение, наряду с целым рядом других положений международных документов о правах человека, подтверждает необходимость диалога. Именно благодаря ему можно ослабить сиюминутную напряженность, способную привести к конфликту, обсудить расхождения и разногласия, снять недоразумения и недопонимания, придти к компромиссу и достичь решения. Отсутствие межкультурного, межрелигиозного и межэтнического диалога в полиэтническом обществе (а этом случае оно, как правило, поликонфессионально) напряженность может привести к насилию. Теоретическому обоснованию диалога, развитию этой концептуальной доктрины как фактора предотвращения конфликтов или обеспечения постконфликтного примирения, к сожалению, ещё не уделено должного политического внимания. Но ведь легче и дешевле предотвратить пожар, чем его тушить и заново строить дом.

Крайне важно, чтобы правительства понимали, что они должны вступать в диалог с религиозными общинами, экспертным сообществом с целью лучшего понимания нужд религиозных общин, создания климата взаимной толерантности и уважения. Защита религиозных понятий верующими людьми не должна препятствовать выражению иными людьми своих убеждений, а также дискуссиям между представителями различных религиозных и нерелигиозных мировоззрений. При этом совершенно необходимым становится строгое следование принципам *взаимоуважения, честности и корректности* в межрелигиозных и мировоззренческих диалогах. Отношение к другим убеждениям не должно выражаться языком оскорблений и унижений, путем подмены понятий и фальсификаций, призывов к насилию в отношении людей, исповедующих определенные взгляды.

5. Задача правительств – принимать конкретные и главное, своевременные шаги, тщательно разрабатывать меры, направленные на сохранение различных социумов, в основе которых – уважение культурного и религиозного многообразия, прав человека и демократических принципов. Видение своего места каждым представителем каждого этноса или конфессии в обществе является одним из ключевых факторов предотвращения будущих конфликтов и достижения постконфликтного примирения. Государство должно вести толерантную и недискриминационную мудрую политику, стимулировать общественную толерантность посредством образования, давать правильную поведенческую

установку СМИ – работать ответственно с источниками информации. Государство должно формировать и развивать законодательные меры, усиливающие защиту религиозных символов, священных имен и понятий, а также мест богочитания как имеющих важнейшее значение для лиц, исповедующих религиозные убеждения. Без создания такого механизма защиты религиозных чувств людей будут нарушены права человека, стабильность общества, а следовательно, возникнет опасность конфликтов и столкновений.

6. В докладе Спецдокладчика ООН по вопросам о современных формах расизма Гиту Муйгаи на 15 сессии Совета по правам человека ООН 12 июля 2010 г.(A/HRC/15/53) отмечается множество фактов дискриминации, ксенофобии и связанной с ними нетерпимости. Он даёт анализ нынешних серьёзных последствий исламофобии, которые нарушают права верующих. Так, например, он приводит пример дискриминационного характера новой статьи, включенной в Конституцию Швейцарии в 2009 году, устанавливающей, что строительство минаретов в стране запрещено. В стремительно развивающемся глобализированном мире социум, общество теряет социальные опоры, «обычный человек» в этой отторгнутой среде уходит от потока окружающей жизни, от навязанного ему информационного поля, он ищет свою среду обитания, свой космос. А люди с другой языковой, культурной, религиозной ориентацией находятся в нём как в гетто. Проявление своей идентичности, своей культуры через демонстрацию каких-либо символов – серьги у молодых людей в различных частях тела, вклученные волосы, окрашенные в зеленые, сиреневые тона, кожаные куртки с фашистской свастикой и т.д. – это протест, это знак активного сопротивления информационному шуму мегаполиса.

Религиозные символы и выражения такие как одежда, головной убор, кресты – это тоже протест, своего рода акт «антиглобализма», это проявление своих прав, своей приверженности культурным ценностям, традициям своей веры. Древние говорили, всё лекарство и всё яд, этим его делает мера. Если человек не выпячивает демонстративно на показ публике свою идентичность, то это, как сказал Хавьер Матринез Торрон: «мы должны проявлять чувствительность к необходимости предотвращать религиозную дискриминацию или дискриминацию на основе религии с тем, чтобы к людям относились по-другому, не более негативно только потому, что они принадлежат к другой религии либо потому, что человек религиозен или не является верующим. Это применимо в отношении всех религий. Нужно вырабатывать общие проекты и нужно создавать чувство единения».

7. В то же время нельзя не согласиться с профильным спецдокладчиком ООН Асмой Джахангир и ее предшественником Абдельфаттах Амором, которые неоднократно выступали с критикой правил, предписывающих соблюдение религиозных требований в одежде в общественных местах. Одежда не должна становиться предметом **политического регулирования**, а «использование методов принуждения и санкций к лицам, которые не хотят одеваться в соответствии с предписаниями религии», свидетельствует о наличии «законодательной и

административной практики, которая, по общему правилу, противоречит международным нормам о правах человека».

В связи с вышесказанным, предлагаются следующие рекомендации:

1. Всемерно способствовать межкультурному, межэтническому, межконфессиональному диалогу
2. Предотвращение конфликтов на межэтнической и религиозной основе.
3. Принятие мер, направленных на улучшение социально-экономического положения в конфликтных зонах
4. формирование национальных и институциональных механизмов по сбору достоверных данных и информации о преступлениях на почве ненависти и какие шаги были ими предприняты для информирования БДИПЧ о действующем законодательства относительно преступлений, связанных с нетерпимостью и дискриминацией
5. придать ключевую роль в поддержании социального единства и взаимопонимания межкультурным образовательным инициативам и межконфессионального диалога
6. проведение мониторинга как государства–участники ОБСЕ выполняют свои обязательства в области образования с целью воспитания толерантности, взаимопонимания, уважения к многообразию и усиления социальной сплоченности, позитивного изменения общественной позиции по вопросу многообразия в наших социумах.
7. Какой положительный вклад правительства и СМИ могут внести в формирование толерантных, диалогичных общественных взглядов и позиций

И своё выступление я хотела бы закончить словами **Чабуа Амирэджиби**, с которого я начинала своё выступление: «Я никогда ничего не требовал от человека, кроме добра и справедливости. Добро - это особый, не изученный пока вид энергии, которая не исчезает из мира, а накапливается. Каждый добрый поступок, слово, желание – бессмертно».

**SUPPLEMENTARY HUMAN DIMENSION MEETING
ON FREEDOM OF RELIGION OR BELIEF
Vienna, 9-10 December 2010**

Session III: Religious Symbols and Expression

Tarafa BAGHAJATI

Ladies and Gentlemen,

Dear friends,

My heartfelt thanks to the OSCE Kazakhstan presidency and I hope that the next presidencies will continue the same steps to have sustainability in combating discrimination, racism, Anti-Semitism and Islamophobia. Twenty-one years ago, in 1989, the OSCE countries committed themselves in my beautiful city Vienna to freedom of religion or belief and to take effective measures to prevent and eliminate discrimination against individuals or communities on the ground of religion or belief. I am really proud and happy to say, that we have taken great steps, often in the form of legislation in the OSCE Area last decades. Allow me the opportunity to raise the question and try to evaluate the measurable achievements politically, culturally and in the society.

Let us ask, from the point of view of 'rights': is the right to religious symbols violated?

How are the permissible limitations to the rights to manifest religion or belief applied?

I think it is necessary, possible and advisable to regulate this right by permissible limitations. We are facing a limitation on the manifestation of religion, especially the visibility of religious symbols. This limitation is in many cases discriminatory. I would give the first example from my highly appreciated country Austria: we have in two provinces, Carinthia and Vorarlberg local laws banning practically the possibility of building visible mosques. You will not find the word "mosque" or "Minaret" in the Text of the law, but this was just a step avoiding inconsistency with Austrian constitution, and the lawmakers said that repeatedly openly in a documented form. This is regrettable for a country with such a great heritage and also a country which recognized Islam since 1912 (this form of recognition could be a model for the OSCE Region with Muslim-minorities)

as religion of the state. We had in Vienna also demonstrations against mosques, even without having any project for building once. Next example: For many years religious symbols are banned from schools in France (but not just in France). Muslims emphasize and underline ongoing, that headscarf is a personal decision concerning practicing religion and is not a religious symbol, but this does not help. Is this empowerment? Emancipation of young Muslim girls cannot be achieved through dress code and limitations, but through inclusion and equal opportunity. Do we want Muslim women staying home, financially dependent from their families or we want to support them being well educated and financially independent, irrespective of them covering their hair or not. Defining the French “Laicite” as a “barrier” against Muslim-Immigration is not the right way. In Switzerland (third example) there is no need to repeat mentioning the problematic referendum against minarets with attacks on the mosque in Geneva during this referendum! This has been mentioned sufficiently by other eminent speakers in this conference.

In the OSCE we have a compass: the OSCE Commitments to Freedom of Religion or Belief. If there are questions about the display of religious symbols, they should be assessed against those Commitments. The extensive use of “our European values” or of a very restrictive understanding of Laïcité or even Secularism as the exclusion of religious symbols out of the public sphere is really a dilemma, banning visible religions, in particular Islam, but also Sikhism, Hinduism and other minority cults and religious practices/symbols, but I would never forget Christianity and Judaism, churches and Synagogue in all its confessions also. Public space is for everybody and it is indeed a serious challenge to signalize acceptance and inclusion for all members of the society irrespective of their religion. I would refer to the very important oral statement from Professor Heiner Bielefeldt in the last session: “There is a misunderstanding concerning neutrality; non-discrimination should always be considered as essential part of neutrality”

Banning visibility of religious symbol can never be compatible with the European values, but I would definitely prefer to call them Universal Values: freedom, human rights, equality, right of self-determination, especially for women and girls, non-discrimination,

Freedom of mobility, but also the right of visibility of religious symbols and manifestation of religion. Worship, teaching, practice and observance are specifically expressed in the universal declaration of Human Rights Article 18 of the ICCPR, International Covenant on Civil and Political Rights. It is very crucial to emphasize again and again that protecting freedom of religion has nothing to do with limitation of freedom of expression.

Restrictions, by either legislative or administrative means, on the visibility of religious symbols targeting specific religions, as in the case of prohibition of minarets is discrimination and violation of human rights.

Dear friends, Mr. Chair,

Let us move from intercultural and interreligious Dialogue to multi- religious and multiethnic cooperation, from integration debate to a serious debate concerning social cohesion. The solidarity in our OSCE-Societies is in danger. And Solidarity is the guarantee that the society would not fall apart. This new solidarity should not be ethnically homogeneous, but should include the whole society and learn to live with pluralism. The definition of Identity should not be effected through building dams against the “others”, the “newcomers”.

Dear friends: I was born in Syria, studied in Romania, worked in Bosnia and Herzegovina and other countries, combating FGM, female genital mutilation in Africa and Europe, Austrian citizen and a speaker in this very important OSCE session. I wish from my heart deeply that my children will have much less concerns than their father in this speech. What we do need is not just tolerance rather we need harmony between religious communities living together in full respect.

I ask you for your support and thank you so much for your patience and attention!

Tarafa Baghajati,

Chair, Austrian Muslim Initiative, Vienna

Member of Advisory Council of Eminent Experts of ENAR European Network against Racism

Board member of PIE “Platform for Intercultural Europe”

Board member of EMISCO “European Muslim Initiative for Social Cohesion”

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**Closing statement
of the Ambassador-at-Large of the Ministry of Foreign Affairs
of Kazakhstan M.Jarbussynova at the closing of the third Supplementary Human
Dimension Meeting on Freedom of Religion or Belief
(10 December 2010, Vienna)**

Dear colleagues,
Ladies and gentlemen,

It is great honor for me to address the closing session of the third OSCE Supplementary Human Dimension Meeting, which concludes the official events of Kazakhstan's OSCE Chairmanship in 2010.

As was mentioned before, the OSCE Summit was held last week in Astana preceded by the final part of the OSCE Review Conference, which addressed such issues as freedom of the media, intolerance against migrants and combating human trafficking with a special focus on child trafficking.

In the final Declaration of the Astana Summit, the OSCE participating States reconfirmed that human rights and fundamental freedoms are inalienable and that their protection and promotion is the first responsibility. Likewise, they highly appraised the role of the civil society and free media in helping to ensure that human rights, fundamental freedoms, democracy and the rule of law are respected.

As the representative of the country concluding its Chairmanship, I am glad to see that today's meeting has been held in the manner it was planned. During the meeting we have heard various interesting proposals and remarks on strengthening and protecting freedom of religion or belief in the OSCE area.

The meeting confirmed the relevance of the issue of freedom of religion, while the exchange of experience among the participating States facilitated lively discussions, which, in my opinion, should be continued in future.

I would like to thank the organizers and participants of this event, including moderators and rapporteurs of the sessions, for their outstanding work as well as interpreters for their professionalism. The experience of our Chairmanship this year has shown the importance of good co-operation, which we have been able to experience particularly during these two days.

Allow me to also thank representatives of the civil society, who have created the special atmosphere of productive dialogue, which again proves the commitment of the OSCE participating States to the democratic development and pluralism of opinions. I am convinced that strengthening of the freedom of religion or belief cannot be achieved without active and constructive interaction between state bodies and civil society.

Dear ladies and gentleman,

In conclusion of my statement, I would like to note that every state must protect the right to freedom of religion or belief taking into account its fundamental nature within the range of commitments related to human rights and provision of comprehensive security.

Nevertheless, we need to recognize and state that none of the states in the present time can talk about having an ideal model of providing and respecting the freedom of religion or belief. Regrettably, we have to note that many individuals and groups in the OSCE area are still facing the limitation of their rights to freedom of religion or belief. We have seen from the previous discussions that there are existing problems to different degrees everywhere in the OSCE participating States. This is why I am glad that our common goal is the determination to find such paths which would let us effectively strive towards an ideal model.

However, as the experience shows, the changes in this process is a long and difficult work and in implementation of it we should primarily consider the norms of the international law.

I hope that today's meeting has helped us to better comprehend the existing problems in the sphere of freedom of religion or belief, share successful experiences and identify ways for further work on ensuring freedom of religion or belief.

In conclusion, allow me once again to thank the ODIHR for organizing this meeting and for their continuous support of Kazakhstan's OSCE Chairmanship throughout this year.

Let me wish all the present success in your work.

Thank you for attention.

ANNEX III: Biographical Information on Keynote Speakers, Introducers and Moderators

Supplementary Human Dimension Meeting on Freedom of Religion or Belief Vienna, 9-10 December 2010 Bios of Speakers and Moderators

9 December

Afternoon: Opening session

Keynote speaker:

- Iman Valeriya Porokhova, Member of the Russian Academy of Natural Sciences, (Russian Federation)

Iman Valeriya Porokhova studied history in the Moscow State Linguistic University. Upon graduating from the University she started teaching at the Moscow Engineering Physics Institute where she spent 18 years.

In 1996 she was awarded the Degree of Academician of St. Petersburg Academy of Humanitarian Sciences. In 1997 she was elected Academician of International Informatization Academy, an Associate UN Member. Later in 1997 she was elected Academician (Acting Member) of International Euro-Asian Academy of Culture that promoted her Russian translation of the Holy Qur'an for the nomination of the "World Prize of the book 1998". In 1999 Iman Valeriya Porokhova was elected Academician of the Academy of Natural Sciences of Russian Federation.

29 June 2005 Iman Valeriya was nominated for the NOBEL PEACE PRIZE among 1000 distinguished women across the Globe.

- Silvio Ferrari, Professor of Law and Religion, Faculty of Law, University of Milan and Member of the Advisory Council of the OSCE/ODIHR Panel of Experts on Freedom of Religion or Belief

Silvio Ferrari is Professor of Law and Religion at the Faculty of Law of the University of Milan. He is also the President of the International Consortium for Law and Religion Studies. Since 2003, he is Director of the Master of Comparative Law of Religions, Faculty of Theology in Lugano. He has been a visiting professor in Paris, London, Washington and Berkley. He has also been member of the National Bioethics Committee in Italy. He is the author of numerous publications in his fields of specialization: Law and Religion in the European legal systems, Legal status of Islam in Europe, Religious Liberty and Human Rights.

First Session: **Freedom of Religion or Belief in the OSCE Area - New Challenges and Initiatives**

- Dr. Bulent SENAY, Professor, History of Religion & Ecology, President of Islamitische Stichting Nederland

Bulent Senay, professor of history of religion, is currently Counselor for Religious Affairs at the Embassy of Turkey in the Netherlands. Following his PhD in religious studies from Lancaster University, UK, with a thesis on Messianic Jews – Hybridity, Identity and Tradition, Dr. Senay started his teaching career as a lecturer of Islamic studies and Muslim Ethics at the University College of St. Martin's (1996-1999) in UK. He continued as associate professor of history of religion at the Faculty of Islamic Theology, Uludag University, Bursa, Turkey (2000-2008).

His biography includes various publications and lectures on 'religious other', 'teaching religion in multicultural / plural society', identity and religion in Europe. Dr. Senay is a participant at both academic and diplomatic level in the Intercultural Exchange Project of the Council of Europe in Strasbourg. He also took part in OSCE Review Conference, Warsaw. He was recently William James Visiting Professor at Bayreuth University, Germany, and visiting professor at the Department of Near Eastern Studies in Princeton University, US. His research interest is focused on religion in multicultural societies, identity and religion in Europe.

- Vakhtang Kipshidze, Foreign Affairs Department of the Russian Orthodox Church (Russian Federation)

Vakhtang Kipshidze graduated from the Moscow State Institute of International Relations (MGIMO- University), Faculty of International Law, International Public Law Division in 2004.

He started his career at the Department for external church relations of the Moscow Patriarchate (Russian Orthodox Church) in 2004. Since 2008 he is a member of the OSCE Panel of Experts on Freedom of Religion or Belief. He hosts "Faith and the World" weekly Radio-Program at "Voice of Russia." Mr. Kipshidze also manages the international project "World Religious Summits Attached to G8". He has coordinated the summits in Moscow (Russia) 2006, Cologne (Germany) 2007, Sapporo (Japan) 2008, Rome (Italy) 2009, Winnipeg (Canada) 2010.

- MODERATOR: Mr. Mark Weitzman, Director of Government Affairs, Simon Wiesenthal Center (United States)

Mark Weitzman is the Director of Government Affairs and of the Task Force against Hate and Terrorism for the Simon Wiesenthal Center. He is the Chief Representative of the Center to the United Nations in New York, and was also the Founding Director of the SWC's New York Tolerance Center. Mr. Weitzman is a member of the official US delegation to the Task Force for International Cooperation on Holocaust Education, Remembrance and Research and a board member and former Vice-President of the Association of Holocaust Organizations. He is also a member of the advisory panel of Experts on Freedom of Religion or Belief of the Organization for Security and Cooperation in Europe (OSCE), of the official Jewish-Catholic Dialogue Group of New

York and of the advisory board of the Institute for the Study of Global Anti-Semitism and Policy at Yale University.

Mr. Weitzman is a winner of the 2007 National Jewish Book Award for best anthology for Anti-Semitism, the Generic Hatred: Essays in Memory of Simon Wiesenthal which he co-edited and contributed to and which has appeared in French, Spanish and Russian editions.

10 December

Second Session: Education and Religion or Belief

- Prof. Heiner Bielefeldt, UN Special Rapporteur on Freedom of Religion or Belief (Germany)

Mr. Bielefeldt is Professor of Human Rights and Human Rights Politics at the University of Erlangen-Nürnberg. From 2003 to 2009, he was Director of Germany's National Human Rights Institution. On 1 August 2010, Mr. Heiner Bielefeldt assumed his mandate as Special Rapporteur on freedom of religion or belief.

Mr. Bielefeldt's research interests include various interdisciplinary facets of human rights theory and practice, with a focus on freedom of religion or belief.

- Archbishop Silvano Tomasi, Holy See Mission to the United Nations in Geneva (Holy See)

Archbishop Silvano M. Tomasi's formative education was both in Italy, where he was born in the Veneto region in 1940, and in New York, where he studied theology and was ordained a priest in 1965. He holds a masters' degree in social sciences and a doctorate in sociology from Fordham University in New York. He was assistant professor of sociology at the City University of New York (Richmond College, City College) and at the New School of Social Research (1970-74). He carried out pastoral work in the New York area and served as Provincial Superior of his religious Congregation, the Missionaries of St. Charles – Scalabrinians. He has published books and articles related mostly to migration issues.

From 1983 to 1987 he served as first Director of the office of Pastoral Care of Migrants and Refugees (PCMR) of the United States Conference of Catholic Bishops (NCCB/USCC).

From the end of 1989 to his appointment as Archbishop and Apostolic Nuncio on June 27, 1996, he served as Secretary of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, a department in the Roman Curia.

From 1996 to 2003 Archbishop Tomasi served as Apostolic Nuncio to Ethiopia, to Eritrea and to Djibouti and as Observer to the African Union, formerly the Organization of African Unity (OAU), whose headquarters are in Addis Ababa. In September 2003 Archbishop Tomasi began his service as Permanent Observer of the Holy See to the

United Nations and Specialized Organizations in Geneva and to the World Trade Organization.

- MODERATOR: Prof. Robert Jackson,

Robert Jackson, PhD, DLitt, AcSS is Professor of Religions and Education in the Institute of Education at the University of Warwick, UK and Director of the Warwick Religions and Education Research Unit. He is also Professor of Religious Diversity and Education at the Council of Europe-related European Wergeland Centre in Oslo, Norway.

He has undertaken various projects for the Council of Europe, the Organisation for Security and Co-operation in Europe and the United Nations Alliance of Civilizations programme, as well as taking a leading role in many research projects, including the European Commission project on Religion, Education, Dialogue and Conflict (REDCo). He is author of many publications in the field of religions and education, is Editor of the British Journal of Religious Education and co-editor of the European book series Religious Diversity and Education in Europe (Waxmann).

Third Session: **Religious Symbols and Expression**

- Dr. Adash Toktasunova, Chair of department of Philosophy and International Law, Diplomatic Academy of the MFA of Kyrgyzstan.

Adash Toktosunova is a Dr. of Political Science, Acting Professor, Head of the Chair for Philosophy and International Law, Diplomatic Academy under the Ministry of Foreign Affairs of the Kyrgyz Republic. 1989-1992 Sociologist, Head of the Kyrgyz Department of the All-Union Centre for Public Opinion Studies. 1992-1997 First Secretary, International Organizations Department, Ministry of Foreign Affairs of the Kyrgyz Republic; (1992-2006) Secretary General of the Kyrgyz National Commission for UNESCO.

Initiator and organizer of international big conferences such: Tolerance and early conflict prevention (1996); Culture and Religion in Central Asia (1999, published book); Intercultural and interreligious dialogue as a part of dialogue among civilizations (2001); Eurasia in the XXIst century: Dialogue of Cultures, or Conflict of Civilizations? (2004); Identity and Dialogue of Cultures in the context of globalization (2007).

More than 60 articles and scientific publications in Kyrgyzstan and foreign editions. Founder and Editor-in-chief of the educational-scientific magazine "Central Asia and Culture of Peace". In 2007 published the Scientific Monograph «Ethnic and Cultural Identity and Dialogue in the Context of Globalization», in 2008 published the book «History of Kyrgyz Culture».

- Mr. Tarafa Baghajati, Member of the Steering Group, Platform for Intercultural Europe, Member of the Advisory Council of Eminent Experts of the European Network against Racism, European Network against Racism, Chair of the "Austrian Muslim Initiative"

Tarafa Baghajati, born 1961 in Damascus, Syria, is a civil engineer by profession. Since 1999 he chairs the AMI Austrian Muslim Initiative, that promotes Muslim perspectives in the media, and in public discourse in generally; it engages actively with civil society organisations, including on issues relating to human rights, an area of work for which Tarafa Baghajati is especially responsible.

Tarafa Baghajati former Board member (2001-2004) and Vice President (2004-2007) of the European Network against Racism ENAR; he is currently a member of the ENAR-Advisory Council and a Steering Group Member of the PIE Platform for Intercultural Europe as well as the Vice Chair of Islamic Institute for Adults Education-Vienna WIIEB. Since 2006 Baghajati is also a partner and adviser of the organization TARGET, chaired by Rüdiger Nehberg to prevent the practice of female genital mutilation (FGM) in Europe and Africa.

- MODERATOR: Mr. Christoph Grabenwarter - Judge, Constitutional Court of Austria and Member of the Venice Commission of the Council of Europe

Christoph Grabenwarter is Professor for Public Law at the University of Economics and Business Administration in Vienna, Judge of the Constitutional Court and Austrian Member of Venice Commission. He has been member of the Independent Broadcasting Authority in Austria and ad hoc judge of the European Court of Human Rights. He is also Professor of Law at the University of Bonn and Director of the Institute for Canon Law.

ANNEX IV: Statistics on Participation

Numbers of Participants OSCE Supplementary Human Dimension Meeting on Freedom of Religion or Belief

Vienna, 9-10 December 2010

Total number of participants – 251, including:

89 participants from 42 participating States (all except Albania, Armenia, Bulgaria, Iceland, Italy, Latvia, Malta, Moldova, Montenegro, Monaco, Slovakia, Turkmenistan, Ukraine, Uzbekistan)

10 representatives of 5 International Organizations:

- Community of Democracies
- Council of Europe (Venice Commission)
- European Parliament
- International Organization for Migration
- United Nations Office of the High Commissioner for Human Rights

10 participants from the 2 OSCE Institutions:

- OSCE Parliamentary Assembly, Liaison Office in Austria
- OSCE Office for Democratic Institutions and Human Rights

9 representatives of 7 OSCE Field Operations:

- OSCE Office in Ashgabat
- OSCE Centre in Astana
- OSCE Office in Baku
- OSCE Mission in Bosnia and Herzegovina
- OSCE Office in Minsk
- OSCE Mission to Moldova
- OSCE Office in Yerevan

114 representatives of 90 NGOs from:

Armenia (2); Austria (12); Azerbaijan (1); Belarus (2); Belgium (9); Bosnia and Herzegovina (1); Bulgaria (1); Canada (1); Croatia (1); France (6); Germany (6); Hungary (1); Greece (3); Kazakhstan (8); Kyrgyzstan (3); Italy (2); Lithuania (2); Montenegro (2); Norway (5); Romania (3); Russian Federation (3); Serbia (1); Sweden (1); Switzerland (4); Tajikistan (2); United Kingdom (2); United States of America (3); Uzbekistan (2).

ANNEX V: List of Participants