



WORKING SESSION III: FREEDOM OF ASSEMBLY AND ASSOCIATION

As delivered by Roger Kiska  
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The Alliance Defense Fund would like to again thank the OSCE and ODIHR for the opportunity to address it on this fundamental human right. Undoubtedly, freedom of assembly and association go hand-in-hand with the principles of democracy and democratization. We need not look further than to our host country Poland to see the truth in this statement. Without the right to assemble and associate, combined with the right to expression, the trade unions and Solidarnos would not have had the impact it did have in bringing democracy to Poland.

ADF is concerned with increasing restrictions being placed on the rights of assembly and association in the OSCE region, particularly within the spectrum of religious association. Freedom of thought, conscience and religion requires that religious groups be allowed to freely congregate, worship and pursue activities associated with those religious beliefs. This right must be protected with the full allowance to gain legal personality and to build houses of worship without burdensome legal obstacles hindering access to these basic rights. In Europe sadly, even some candidate countries to the European Union who have made positive changes in their laws regarding rights to build places of worship, continue to make the realization of those laws impossible because of administrative laws and building codes which still make it virtually impossible to build places of worship.

Legal personality is also a vital pre-condition to the enjoyment of the right to association and assembly for religious minorities. Without legal personality, religious groups are unable to safeguard their basic rights [including the right to acquire and safeguard property], because they are denied access to courts of law. Equally important, religious groups must be allowed to function without government interference. Sect laws, often times working from prejudice rather than fact, cannot be allowed to unduly interfere with freedom of association and assembly. Sect laws have and will continue to have a chilling effect on religious liberty. These laws at times have brought an end to religious groups and even destroyed lives. Liberality should be the norm with regard to the state allowance for religious activity. Existing laws regarding fraud and other illegal activities suffice to punish individual criminal acts. There is no need to have additional sect laws. Rule of law should protect religious minorities and not be used as a sword against them.

Also, the use of repressive religious freedoms laws in some OSCE states is unacceptable and contrary to the very principles the OSCE stands for. Laws which, for example, require state permission each time more than two people of faith meet, are completely contrary to freedom of religion and assembly. Such state control and interference violates fundamental human rights and crushes the human spirit. Religious assembly provides palpable benefits to society. States themselves cannot provide the vast social and charitable services that religious groups provide. Therefore, not only is it required by law to allow religious groups to freely associate it is also within the best interests of OSCE Participating States to do so.

Finally, religious groups [including those who provide charitable services such as adoption placement], must be allowed to abide by their religious ethos and moral beliefs. Christian charities should never be forced to choose between their continued existence and their religious ethos.