

# **Supplementary Meeting on Freedom of Religion and Belief**

**22 March 1999  
Vienna**

## REPORT

Executive Summary

I. Background

II. Organization and Modalities

III. Central Themes

Religious Dialogue and Conflict Prevention

Religious Pluralism and Limitations on Freedom of Religion

Report on the ODIHR Advisory Panel and Proposal for Future Activities

IV. Concerns Regarding the Format of the Meeting

## EXECUTIVE SUMMARY

In accordance with new modalities for the OSCE Implementation Meeting on Human Dimension issues approved in July 1998, the OSCE held the first of three Supplementary Meetings in Vienna on 22 March 1999, dedicated to the issue of Freedom of Religion and Belief. The goal of the Supplementary Meeting was to discuss the key substantive concerns raised at the 1998 Implementation Meeting with respect to freedom of religion and belief and to ensure follow-up for them. Participants were asked to help identify priorities and to propose specific, practical activities and OSCE initiatives to address freedom of religion in 1999. With a view toward future Supplementary Meetings, a less formal format will be considered in order to promote greater dialogue and a more in-depth look at key concerns and recommendations.

The agenda for the Supplementary Meeting was divided into three topics:

Religious Dialogue and Conflict Prevention,

Religious Pluralism and Limitations on Freedom of Religion,

Report on the ODIHR Advisory Panel on Freedom of Religion and Proposals for Future OSCE Activities.

During the course of the Meeting, participants raised a wide range of concerns about the state of religious freedom in the OSCE area, including: intolerance toward "non-traditional"

religions, restrictive or discriminatory legislation, anti-Semitism, the question of "sects", problems of religious extremism, and treatment of conscientious objectors. Participants encouraged the OSCE to increase its focus on freedom of religion and belief and expressed support for continuing the work of the ODIHR Advisory Panel. Specific recommendations included:

The OSCE should explore more deeply the role that religion plays in igniting and accelerating conflict, as well as the role that religion can play in conflict prevention and post-conflict reconciliation. Missions should have a good knowledge of the religious communities in their countries of residence and maintain good contacts with local leaders.

The participating States should engage in meaningful dialogue with religious communities and develop mechanisms for ongoing consultation and public debate on issues of concern. The OSCE should support these efforts by promoting dialogue and contacts among religious groups, and by helping to set up meetings between government officials and religious communities.

The participating States should assess whether their practices are fully compliant with OSCE commitments regarding freedom of religion and take steps to improve compliance in their own countries.

The ODIHR and other OSCE institutions should integrate respect for freedom of religion and belief into their programs for the promotion of tolerance and human rights. OSCE field missions should also pay adequate attention to problems arising in this field and to their solutions.

The ODIHR Advisory Panel of Experts should assist the OSCE/ODIHR on religious freedom issues and help implement OSCE projects and initiatives. The panel members should act as resource persons in reviewing legislation relevant to freedom of religion.

## I. BACKGROUND

In accordance with new modalities for the OSCE Implementation Meeting on Human Dimension issues approved in July 1998, the OSCE held the first of three Supplementary Meetings in Vienna on 22 March, 1999, dedicated to the issue of Freedom of Religion and Belief. The goal of the Supplementary Meeting was to discuss the key substantive concerns raised at the 1998 Implementation Meeting with respect to freedom of religion and belief and to ensure follow-up for them. Participants were asked to suggest practical approaches to implement the human dimension commitments undertaken by participating States, and to assist with identifying priorities and concrete activities for OSCE action in this field in 1999.

## II. ORGANIZATION AND MODALITIES

As with the Implementation Meetings, participation in the Supplementary Meeting was opened to NGO's and international organizations in addition to the participating States. Approximately 200 people attended the Meeting and took part in the discussion.

The topics for discussion were divided into three agenda items:

Religious Dialogue and Conflict Prevention

Religious Pluralism and Limitations on Freedom of Religion, and

Report on the ODIHR Advisory Panel on Freedom of Religion and

Proposals for Future OSCE Activities

The discussions took place in plenary and were moderated by Ambassador Leif Mevik. In order to focus the discussion, experts were invited to introduce briefly some of the key themes surrounding each agenda item. Following the introductory remarks, participants were invited to make interventions (lasting a maximum of five-minutes). All participants who informed the Moderator of their wish to speak were permitted to make an intervention. States were also permitted a two-minute right of reply.

## III. CENTRAL THEMES

Throughout the Supplementary Meeting, the participating States and NGO's stressed the importance of freedom of religion and belief and strongly encouraged the OSCE to make freedom of religion and belief a priority concern. In addition, many participants emphasized the important role of the ODIHR Advisory Panel of Experts on Freedom of Religion and Belief (the "Panel") in promoting freedom of religion within the OSCE framework, and expressed support for its continuation in some form.

Many concerns and recommendations were raised during the course of the Supplementary Meeting. Due to the considerable overlap in the recommendations made under each agenda item, the recommendations are summarized at the end of this report.

Religious Dialogue and Conflict Prevention

The first topic focused on strategies to promote dialogue and reconciliation in situations where religion is a factor or potential factor in conflict. Opening presentations were made by Ms. Saba Risaluddin and Dr. Duncan Morrow. Based on her experience in Bosnia, Ms. Risaluddin stated that not enough attention was paid to religious groups who later become "co-opted" by ethno-nationalist groups in the conflict there. She noted the importance of identifying early on cases where religion is likely to be drawn into conflict and to encourage inter-religious and intra-religious dialogue and common action in those situations. Dr.

Morrow briefly discussed ways in which religion becomes implicated in conflict, and made several observations from his work in Northern Ireland. According to Dr. Morrow, the government can help prevent or reduce religious conflict by fostering grass-roots initiatives, strictly adhering to human rights norms, avoiding coercion, and taking steps to bridge gaps between conflicting groups.

Following the opening remarks, several States noted that religious tensions, intolerance, and the political use of religious identity have emerged as significant factors in a growing number of conflicts in the OSCE region. Since preventing conflict is a principal mission of the OSCE, several participants noted the importance of understanding better the ways in which religion is used to incite and escalate conflict, as well as the positive role that religious communities may play in conflict prevention and reconciliation. Participants also noted the key role that the OSCE field missions can play in this regard.

A central theme emerging from the Supplementary Meeting was the need for greater dialogue and consultation among religious groups and between government officials and religious communities. Several States and NGO's noted that in many countries there is no process or mechanism for consultation between state and religious communities, even on matters directly relating to freedom of religion and belief. When religious leaders are consulted, it is generally at a high level, and often only includes representatives from majority or "traditional" religions.

The participating States were urged to engage in meaningful dialogue with religious communities and to develop mechanisms for ongoing contacts, consultation and public debate on issues of concern. Several participants suggested that the ODIHR and OSCE field missions support these efforts by, inter alia, helping to set up meetings between government officials and members of religious communities, and by including religious leaders in its various civil society initiatives. The OSCE was also encouraged to play a role in bringing together members of various religions and in supporting the conflict prevention activities of existing interfaith and ecumenical groups.

Several participating States, including the European Commission, Canada, the Nordic countries/Norway, the Russian Federation, and the United States shared examples of initiatives undertaken by them to promote dialogue with various religious communities.

A number of recommendations were made during the Supplementary Meeting under this agenda item. Some of the recommendations from the discussion were as follows:

The OSCE should explore more deeply the role that religion plays in igniting and accelerating conflict, as well as the role that religion can play in conflict prevention and post-conflict reconciliation.

The OSCE should promote dialogue and consultation by helping to develop and initiate contacts among religious groups, and by helping to set up meetings between government officials and religious communities.

OSCE field missions should pay adequate attention to problems arising in the area of religious freedom. Missions should maintain good contacts with local religious communities and inform the member States and OSCE institutions about developments in this area.

The participating States should engage in meaningful dialogue with religious communities and develop mechanisms for ongoing consultation and public debate on issues of concern.

Participating States and the OSCE should support efforts to establish or strengthen non-governmental ecumenical and/or interfaith councils within a country or community. Dialogue and support networks across national boundaries between "sister communities" should also be encouraged.

More attention should be paid to promoting tolerance in public education. States should review their curricula to eliminate negative stereotypes and/or adopt curricula that promotes understanding of and tolerance for religious difference.

#### Religious Pluralism and Limitations on Freedom of Religion

Prof. Massimo Introvigne, Dr. Michael Bourdeaux, and Mr. Alain Garay introduced the second topic. First, Prof. Introvigne discussed the "moral panic" surrounding the issue of new religious movements in certain countries of Western Europe. While he acknowledged that some concern is warranted regarding the activities of a few, very small groups, he noted that government action tends to focus on large and mostly law-abiding religious groups. Prof. Introvigne warned that most government models for dealing with "sects" are not adequate and that too much power has been given to anti-cult groups. He urged greater co-operation between governments, law enforcement, and scholars to identify the "truly dangerous" groups and to learn how to negotiate with them. Dr. Bourdeaux focused his remarks on developments in the countries of the former Soviet Union. Dr. Bourdeaux raised concerns about the rise of the "national church" and restrictions on registration or legal status of minority religious groups. He reiterated the need for States to protect religious minorities and called on them to eliminate discriminatory and burdensome registration laws. Finally, Mr. Garay discussed several legal and political developments that have negatively affected religious freedom in the OSCE region. Among these were lobbying and press campaigns by certain groups against others, parliamentary and other actions by governments and actions by administrative bodies (such as police inquiries and denial of tax exemptions). Mr. Garay pointed out the important role of the courts and recommended greater dialogue and training programs linked to dialogue.

During the discussion under the second agenda item, a number of concerns were expressed by NGO's and some participating States about the state of religious freedom in the OSCE region. Some of these included:

Growing intolerance toward "non-traditional" religions in both new and established democracies

Actions by governments and other groups that foster intolerance and create harmful stereotypes

Misinformation/ lack of responsible reporting in media and by some governments with respect to certain religious groups. Limitations on access to the media

Restrictive registration laws that make it difficult for minority religions to obtain or maintain legal status and which are often used to restrict the activities of disfavoured religious groups

Recent anti-Semitic incidents and anti-Semitic statements by government officials

Non-recognition of the right to conscientious objection, lack of alternatives to military service and detention of conscientious objectors

Discriminatory State financing of certain religions

Ongoing disputes relating to the return of church property

Governmental interference in internal affairs of religious groups

Unequal taxation of religious groups/ discriminatory denial of tax exempt status

Lack of freedom of expression for non-believers in states with strong religious traditions

Misuse of religion to promote political ends

Use of "religious extremism" and "terrorism" by governments as a pretext to repress religious activity

In light of these concerns, many participants called on the participating States to assess whether their practices comply with OSCE commitments and other international standards and to take immediate steps to improve compliance. Several States and NGO's emphasized that it is the responsibility of the States themselves to see to it that their laws and policies adequately protect all forms of religion or belief and do not discriminate between them. In this regard, the OSCE was encouraged by several NGO's to step up its monitoring of freedom of religious issues and to take a more active role in investigating and hearing complaints. Others suggested that the OSCE set up ombudsmen for religious matters.

Several States emphasized the role of the OSCE field missions in helping the OSCE monitor implementation. Missions were urged to pay adequate attention to problems in the field of freedom of religion and to their solutions. One State also noted that reports from missions to member states and OSCE institutions on developments in their countries could help the OSCE target its action. Participants also made several recommendations regarding potential activities for the ODIHR and the Panel, relating to the concerns outlined above.

Finally, several States recommended that the ODIHR and other OSCE institutions integrate into their programs for the promotion of human rights issues relating to freedom of religion and belief. One State, in particular, noted that religious freedom should not be disassociated from other human rights, but should be addressed in the context of other freedoms such as

freedom of expression, freedom of association, protection of minorities, and the fight against discrimination, intolerance, and racism.

A number of recommendations were made during the Supplementary Meeting under this agenda item. Some of the recommendations from the discussion were as follows:

The OSCE should take steps to monitor more closely compliance of the participating states with the OSCE commitments of freedom of religion and belief. OSCE should consider publishing an annual report on violations of freedom of religion and belief in the OSCE region to call countries into account with respect to their commitments.

The participating States should assess whether their practices are fully compliant with OSCE commitments regarding freedom of religion and take steps to improve compliance. In particular, States should reconsider their present legal situation with respect to registration and discrimination against new and/or minority religious groups.

Governments should inform religious communities about their legal rights and remedies with respect to discrimination, and provide some kind of forum in which to communicate concerns and seek government assistance in resolving them.

Government publications regarding minority religious groups and new religious movements must be reviewed with an eye toward removing inaccuracies and sweeping generalizations.

Concerned States should release buildings belonging to churches and religious communities and should assist in the fair resolution of property disputes.

The OSCE should integrate the issue of religious freedom into its ongoing civil society and human rights initiatives and activities.

The OSCE should urge all participating States to ratify the human rights covenants of the Council of Europe.

The OSCE should work with Council of Europe to address issues of conscientious objection and to provide technical assistance to non-member States in which alternatives to military service are inadequate or absent.

Report on the ODIHR Advisory Panel and Proposal for Future Activities

Rev. Rüdiger Noll opened discussion on the third agenda item with a brief presentation on the history and role of the Panel and proposals for future ODIHR activities. Among other things,

Rev. Noll noted that the ODIHR relies on voluntary contributions and will need sufficient resources in order to continue the work of the Panel and to implement its proposed activities.

Rev. Noll reported that members of the Panel had met informally the day before the Meeting to discuss possible Panel activities relating to freedom of religion. He presented several preliminary ideas including: forming a subgroup of the Panel to review and advise the ODIHR on issues of legislative reform, working with academic institutions to compile a data base of laws relating to freedom of religion, reviewing practices in the participating States as a first step in identifying "best practices", preparing a paper on "registration" for the OSCE Review Meeting, and working with OSCE field missions on issues of religious freedom.

During the discussion, several participants expressed support for the Advisory Panel of Experts on Freedom of Religion and its work. However, the specific suggestions made regarding the role and structure of the Panel varied widely between participants. Several participants made recommendations for Panel activities that went beyond its current mandate as an advisory body to the ODIHR. There was general agreement, however, that the Panel should be continued in some form.

Among the recommendations emerging from the Supplementary Meeting on Freedom of Religion and the informal meetings with members of ODIHR Advisory Panel on Freedom of Religion on March 21 and 23 1999, were following:

Members of the panel should provide analysis and expertise to the OSCE on religious freedom issues, and help design OSCE and ODIHR activities. In particular, members of the panel should act as resource persons in regard to reviewing legislation relevant to freedom of religion or belief and in identifying "best practices."

Members of the panel should help the ODIHR develop a roster of experts on religious freedom, as well as religious dialogue and conflict prevention, to be drawn on as needed by the ODIHR.

Members of the panel should assist with early warning, by advising the ODIHR of emerging conflicts or violations of freedom of religion or belief.

The Panel should prepare a proposal for a joint project with the ODIHR to develop proposed legislation on religious communities in Bosnia-Herzegovina, in co-operation with religious communities and the government. ODIHR should co-ordinate with the OSCE Mission in Bosnia once the project proposal is received.

The Panel should, based on the substantial work already done by and in co-operation with various academic institutions, prepare a specific project proposal to develop and maintain a database of legal provisions relating to freedom of religion in OSCE countries. The legal provisions will be assembled and made generally available on a web site to be created for this purpose.



The ODIHR should prepare a thematic report for the upcoming human dimension review meeting on the subject of registration requirements for religious organizations. The study should be modelled on a similar report on registration of NGO's prepared for the 1998 implementation review meeting. Members of the panel should review the report.

Several Panel members and participants at the Supplementary Meeting recommended that the ODIHR should implement training activities on religious freedom issues, including training for government officials, members of the judiciary and/or media representatives. Specific project proposals would need to be elaborated, based on the preliminary suggestions emerging from the meeting. Panel members should make specific recommendations to this effect.

The ODIHR should continue, as appropriate, to integrate freedom of religion and belief as an issue in its ongoing human rights and civil society projects.

A Panel member or members should attend the April OSCE human dimension seminar on "Human rights: the role of field missions."

The ODIHR should provide copies of the ODIHR summary of OSCE commitments on freedom of religion to OSCE missions and field offices for distribution.

All agreed that conflict prevention is a key area, and several general recommendations were made to this effect. However, no specific proposals emerged. The Panel should try to develop specific proposals in this area, in co-operation with the ODIHR and OSCE missions. In the meantime, Panel member Rev. Rüdiger Noll will participate in a special meeting organized by the Chairman-in-Office on religion and conflict prevention in conjunction with the OSCE Ministerial Troika Meeting in June this year.

In light of experience to date - and taking into account recommendations from Panel members and from participants in the Supplementary Meeting - the ODIHR will review the structure, composition, and representativeness of panel, with a view to maximizing its effectiveness.

#### IV. CONCERNS REGARDING THE FORMAT OF THE MEETING

It was noted that opportunity for dialogue was extremely limited due to the large number of participants seeking to make interventions on each agenda item, and the fact that some speakers did not comply with the five-minute rule. Frustration was expressed that the participants relied on prepared statements and did not participate in any meaningful

exchange. With a view toward future Supplementary Meetings, a less formal format will be considered in order to promote a more spontaneous and constructive dialogue.