



Forum 18 www.forum18.org
The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

Everyone's freedom of religion and belief, gender equality, and tolerance & non-discrimination
Tolerance and non-discrimination I including discrimination on grounds of beliefs - WS6

Last November ODIHR Director Ingibjörg Sólrún Gísladóttir stressed “the need to address the root causes of intolerance in general, which can give rise to wider conflict and violence” and specific intolerances “combined with the need to fully respect all human rights and fundamental freedoms - not just freedom from discrimination, but also freedoms of opinion and expression, freedoms of peaceful assembly and association, and freedom of religion or belief”. In July she rightly noted that “the right to freedom of religion or belief is a universal human right which applies to all, men and women, believers or non-believers, citizens and residents, asylum seekers, migrants and refugees”.

That universality is indispensable for combatting intolerance and discrimination, because freedom of religion and belief is a freedom for all people - including women, LGBTI people, atheists and agnostics. Naming particular kinds of intolerance and discrimination - for example against women - can be helpful. But it is not possible to understand freedom of religion and belief violations against any one group unless one considers everyone's freedom. A split into isolated categories of 'Anti-Semitism', 'Muslims', and 'Christians and Members of Other Religions' does not reflect reality, promotes negative stereotyping, and discourages co-operative responses. It is like splitting election observation into isolated observer groups: for government voters; for opposition voters; and for those who do not vote. It is far more constructive to focus on the freedom in freedom of religion and belief, as an empowering freedom for everyone with the other fundamental freedoms.

The most systemic and serious violations of everyone's freedom of thought, conscience, religion or belief and other fundamental freedoms are by participating States. Such violations are not based on religious grounds but - as with other civil society actors - because people exercise their fundamental freedoms outside state control. This directly links with Wednesday's Working Sessions on the rule of law, including judicial independence, prevention of arbitrary arrest, and the prevention of torture.

Freedom of religion or belief violations normally happen in patriarchal societies, our Annotated Agenda noting “different effects” on men and women. In rebel-controlled Lughansk Region of Ukraine, male officials forced two female Jehovah's Witnesses to undress to their underwear among other punishments. In Uzbekistan women seem particularly targetted, for example by male officials strip searching women. In one such case, police raided an Urgench church meeting without state permission and forcibly undressed women present. One of the women was last December given a large fine for having Christian books, and texts including the Bible were ordered to be destroyed. She also had her mobile phone taken for the authorities to use themselves. Against Uzbek law, the first she heard of her trial and punishment was 82 days later in April when she received a copy of the court decision. The Judge refused to answer when Forum 18 asked him why the police and his court had broken the law. Another woman who attended the same church was in April illegally and under extreme pressure - including threatened confiscation of her flat - forced to pay a fine for keeping her own Christian books in her home. Torture of people of all faiths continues to take place, with impunity for officials.

Torture also takes place in other participating States, such as Kazakhstan. Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, pS' are obliged to both arrest any person suspected on good grounds of having committed torture, and to try them under criminal law. Cancer sufferer and former prisoner of conscience Jehovah's Witness Teymur Akhmedov was for example tortured to try to force him to admit his “guilt”. In another case, Muslim prisoner of conscience Imam Abdukhalil Abduzhabbarov was sent to a punishment cell for at least 10 days for praying and fasting during Ramadan. “He had to stand as it is impossible to sit or lie, there is no food except water and black bread,” relatives stated. He is now being held in solitary confinement, and is allowed only a 20 or 30 minute walk each day. He is not allowed to have religious literature such as the Koran in his cell, and is allowed only two two-hour meetings with relatives each year. Yet no

arrests or criminal trials of anyone strongly suspected of having tortured prisoners of conscience jailed for exercising freedom of religion and belief appear to have been made.

Kazakhstan is organising a so-called “Congress of World Religions” on the theme religious leaders for safe world. Its commitment to the “dialogue” it claims may be judged by, among other things, the claim to have won almost 98 per cent of the vote in April 2015’s presidential “election”. Similarly, Azerbaijan claims to promote what it calls “tolerance” and “dialogue”, despite making the exercise of freedom of religion and belief dependent on state permission, jailing and torturing Muslim and other prisoners of conscience, repeatedly closing Sunni mosques, imposing state censorship of all religious books, and punishing Jehovah’s Witness conscientious objectors to military service.

The best antidote to this kind of politicisation of freedom of religion and belief is possibly that outlined in the *European Union Guidelines on the promotion and protection of freedom of religion or belief*. They note that: “Religious tolerance as well as inter-cultural and interreligious dialogue must be promoted in a human rights perspective, ensuring respect of freedom of religion or belief, freedom of expression and other human rights and fundamental freedoms”.

Other serious violations of human dimension commitments include Russia’s jailings for periods of between two and eight years of six Muslims for meeting with other Muslims to study theologian Said Nursi’s writings. At least 50 Jehovah’s Witnesses are being investigated on “extremism” charges and they are increasingly being detained for long periods of a year or more simply for exercising their freedom of religion and belief. Other belief groups are also targeted, Baptist Union pastor Sergei Stepanov having been fined posted an invitation to an Easter worship service on the VKontakte social network, which was found during internet monitoring by the FSB security service. The Constitutional Court in March refused to hear his appeal, but issued a partial clarification that giving information about religious events is only an “offence” if it is aimed at attracting people who are not already members of a religious organisation. That clarification itself legitimises commitment violations.

Among far too many other participating States violating their commitments, Turkmenistan has repeatedly jailed Muslims who meet together to study their faith, sentencing them to long labour camp terms in Ovadan-Depe, where prisoners have suffered torture and death. And from January the regime re-started jailing for periods of between one and two years Jehovah’s Witness conscientious objectors to military service, nine having been jailed up to August.

Commitments such as Maastricht 2003 state that “respect for human rights and fundamental freedoms, democracy and the rule of law are at the core of the OSCE’s comprehensive concept of security”. This approach has been shown, for example in the north of Ireland, to be a highly effective way of addressing the root causes of insecurity. So to assist the implementation of commitments, participating States, OSCE institutions and field operations, and civil society could:

- monitor and analyse in concrete terms violations of everyone’s freedom of religion or belief and interlinked freedoms of expression, assembly and association in the OSCE region - including the targeting by some participating States of women exercising these freedoms;
- mainstream freedom of religion or belief work within an all human rights for all perspective, stressing implementation of all fundamental freedoms, including to be free from torture;
- insist in line with human dimension commitments¹ that the most effective challenge to intolerance and discrimination is to fully implement fundamental freedom commitments;
- challenge the misuse of concepts such as “anti-terrorism”, “extremism”, “religious tolerance”, and “dialogue” to disguise human dimension commitment violations;
- use tools such as the *EU Guidelines on the promotion and protection of freedom of religion or belief*², the *OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association*, the *OSCE Guidelines on Freedom of Peaceful Assembly*, and on the *Protection of Human Rights Defenders*.³

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¹ http://www.forum18.org/archive.php?article_id=1351

² http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137585.pdf

³ [https://www.osce.org/resources/publications/Guidelines%20Belief?filters=+im_taxonomy_vid_22:\(464\)&solrsort=score%20desc&rows=50&category=Publications](https://www.osce.org/resources/publications/Guidelines%20Belief?filters=+im_taxonomy_vid_22:(464)&solrsort=score%20desc&rows=50&category=Publications)