

Freedom of Religion or Belief

The freedom of individuals to hold their own religious beliefs is one of the basic characteristics of a democratic society. This is a fundamental right that is enshrined in a number of international agreements such as the International Covenant on Civil and Political Rights and OSCE commitments. However, violations of the freedom of religion or belief persist in many parts of the OSCE region. They include discrimination against individuals in the workplace and public services, defamation campaigns against minority religions or belief groups, the disruption or prohibition of worship even in private homes, and the imprisonment of those who object to military service on religious grounds. State authorities

often use registration requirements as a means of denying faith communities the basic rights of freedom of religion. Also, infringements on freedom of movement, freedom of assembly, the right to change one's religion, and the right to produce or to have access to religious literature are common in large parts of the OSCE area. In recent years, the fight against terrorism has increasingly been used as a justification for human-rights violations in the area of freedom of religion.

The Panel of Experts on Freedom of Religion and Belief was set up by the OSCE's Office for Democratic Institutions

and Human Rights (ODIHR) in 1997 to help protect the rights of individuals and religious groups. Within the Panel, a broad spectrum of religious faiths from across the region are represented; however, members serve in their personal capacities as experts and do not directly represent any organization or confession, nor are they necessarily adherents of any religion themselves. The Panel also includes a number of legal experts on freedom-of-religion issues.

The Panel serves as a consultative body that can be used by participating States, OSCE field missions, and civil-society stakeholders.

Composition of the Panel

The 60-member Panel consists of an Advisory Council of around 15 experts nominated by the ODIHR, who act as a steering group, as well as the remaining Panel members who are nominated by participating States (up to two per country).

The Panel advises the ODIHR and participating States on pertinent issues and carries out the following activities:

- Legislative reviews for governments, on request, to help them bring their legislation into line with international standards on freedom of religion or belief;
- Expert opinions for governments on specific issues related to freedom of religion or belief;
- Advice on freedom of religion and related issues to the ODIHR and to other OSCE institutions and missions;
- Developing training materials on standards of international law on freedom of religion for faith communities, civil society, government officials, and academics;
- Supporting inter-religious dialogue.

In 2004, the ODIHR published *Guidelines for Review of Legislation Pertaining to Religion or Belief*, which was drafted by members of the Panel of Experts in association with the Council of Europe's Venice Commission. This document forms the basis of the Panel's methodology for legal reviews.

In 2007, the Panel began developing the *Toledo Guiding Principles on Teaching about Religion* at State Schools in the OSCE Region to help promote better understanding of religion by giving advice and setting standards for those preparing curricula on this topic. It has also developed a website guide to tolerance education: <http://tolerance.research.uj.edu.pl>.



“The freedom of religion is a fundamental human right – it is important to promote understanding of religion and tolerance towards faith groups, so that this right is not encroached upon for political or other reasons.”

– ODIHR Director Ambassador Christian Strohal

OSCE commitments on freedom of religion or belief

Ever since the 1975 Helsinki Final Act, freedom of thought, conscience, religion, or belief has been one of the core commitments that each of the OSCE's 56 participating States has agreed to respect. Key documents include, *inter alia*, the following:

■ HELSINKI 1975

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion. (...) Within this framework the participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

■ COPENHAGEN 1990

The participating States reaffirm that (9.4) Everyone will have the right to freedom of thought, conscience and religion.

This right includes freedom to change one's religion or belief and freedom to manifest one's religion or belief, either alone or in community with others, in public or in private, through worship, teaching, practice and observance. The exercise of these rights may be subject only to such restrictions as are prescribed by law and are consistent with international standards.

■ MAASTRICHT 2003

The Ministerial Council:

- Affirms the importance of freedom of thought, conscience, religion or belief, and condemns all discrimination and violence, including against any religious group or individual believer;

- Commits 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;

- Encourages the participating States to seek the assistance of the ODIHR and its Panel of Experts on Freedom of Religion or Belief;

- Emphasizes the importance of a continued and strengthened interfaith and intercultural dialogue to promote greater tolerance, respect and mutual understanding.

■ BUDAPEST 1994

Reaffirming their commitment to ensure freedom of conscience and religion and to foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers, [the participating States] expressed their concern about the exploitation of religion for aggressive nationalist ends.

General information about issues related to freedom of religion or belief, including reports, country information and practical initiatives, can be found on the ODIHR's Tolerance and Non-Discrimination Information System (TANDIS) at <http://tandis.odihr.pl>.



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