



DEMOCRACY AND HUMAN RIGHTS ASSISTANCE

Programme on Freedom of Religion or Belief (1300439)

**FUNDED THROUGH
EXTRABUDGETARY CONTRIBUTIONS**

Warsaw, September 2012

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Current budget: EUR 216,000¹

1. Background

Translating OSCE commitments on Freedom of Religion or Belief (FoRB) into practice can pose several challenges due to the sensitivity of the issue and its interconnection with other human rights. MC Decisions 10/2005 and 13/2006 task ODIHR to support participating States by providing expert assistance through its Advisory Panel of Experts on Freedom of Religion or Belief.² ODIHR usually receives several requests for assistance each year, for opinions on legislation or expertise on issues related to its implementation. This programme provides ODIHR with additional means to execute its core mandate by providing expertise and building the capacities of participating States and key stakeholders. ODIHR's specific contribution to promote freedom of religion or belief is unique, but complements the efforts of the Council of Europe's Venice Commission, the United Nations Special Rapporteur on freedom of religion or belief as well as OSCE field operations.

2. Approach

The programme's objectives are to enhance respect for the right to freedom of religion or belief by assisting participating States and others to meet OSCE commitments and other international standards. It is expected to lead to the following results: increased awareness by participating States and other relevant stakeholders of international standards; legislative frameworks within participating States that are respectful of OSCE commitments; increased capacities of relevant stakeholders to implement the OSCE commitments on freedom of religion of belief.

2.1 *Planned activities for 2012-2013 (funds permitting)*

Provision of expertise for implementation of legislation

Following reviews of draft legislation on freedom of religion or belief carried out at the request of participating States,³ ODIHR will make its expert opinion available to relevant stakeholders and offer tailored expertise to promote implementation of any recommendations. Opinions and follow-up recommendations will be prepared based on *in situ* visits and consultation with the main stakeholders. ODIHR will ensure the input of its Advisory Panel of Experts on Freedom of Religion or Belief in conducting reviews of legislation and/or follow up.

Capacity building of government officials and relevant stakeholders

Using its recently designed training programme ODIHR will conduct training on freedom of religion or belief for government officials and relevant stakeholders in at least one participating State, as requested. Religious or belief communities and civil society will also be targeted

¹ For the period 1 January 2008 to 31 December 2013.

² The Advisory Panel of Experts on Freedom of Religion and Belief was set up by 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.

³ These will be carried out within the framework of the Legislation Review Fund (IRMA number 1300537).

through capacity building seminars on freedom of religion or belief (standards, monitoring and reporting) and through international outreach.

Guidelines on the issue of the recognition of the legal personality

ODIHR will develop guidelines on recognition of the legal personality of religious or belief communities, which remains a challenge in the OSCE region. These guidelines will outline international standards and highlight good practices. ODIHR will develop them on the basis of wide consultation with government actors and civil society, including religious or belief communities. ODIHR will translate them into various languages and launch them at national and/or regional implementation events.

2.2 *Indicators of achievement (examples)*

- Participating States have developed and/or adopted new legislation or amended legislation and policies on freedom of religion or belief following ODIHR's legislative reviews;
- Customized training on freedom of religion or belief offered by ODIHR is used by participating States to train relevant government officials;
- Civil society organizations' understanding of international standards pertaining to freedom of religion or belief is strengthened;
- Greater awareness of international standards/good practices for recognition of religious or belief communities.

2.3 *Strategy/methodology*

The programme complements and reinforces the work ODIHR has carried out in this field since 1997. The programme is producing a growing corpus of documentation on freedom of religion or belief (legislative reviews, training material and publications) that can be disseminated in different ways. It makes extensive use of the *OSCE Guidelines for Review of Legislation Pertaining to Religion or Belief* published in 2004, thus promoting this tool. Each component of the programme can be provided *per se* or in combination with other components. Activities are conducted on request.

2.4 *Assumptions and risks*

It is assumed that participating States are willing to consult ODIHR for legislative reviews of draft legislation and that they are ready to take the advice given into consideration. It is also assumed that participating States and civil society will be interested in receiving training on freedom of religion or belief and in taking part or hosting events to launch the guidelines.

2.5 *Quality factors*

The quality of both technical expertise and training will be of the highest standard. The programme has maximized its effectiveness through co-ordination with relevant international actors, including the Venice Commission of the Council of Europe and the United Nations Special Rapporteur on freedom of religion or belief. This ensures complementarity and sustainability. Moreover, civil society and religious or belief communities will be involved at all stages of the programme (planning training, law reviews, etc.). Particular attention will be devoted to minority communities. In consultation and training, special efforts will be made to

secure a gender-balanced approach. The expertise of ODIHR's Advisory Panel of Experts on Freedom of Religion or Belief will be used to ensure the quality of all events and activities, including training events, legislative reviews and the guidelines.