

SEMINAR

“FREEDOM OF RELIGION OR BELIEF IN THE OSCE REGION: CHALLENGES TO LAW AND PRACTICE”

CONCLUDING SEMINAR STATEMENT BY THE MODERATOR

On 26 June 2001, an international seminar on “Freedom of Religion or Belief in the OSCE Region: Challenges to Law and Practice” was held in “De Ridderzaal” (Hall of Knights) in The Hague, the Netherlands. The seminar was a joint initiative of the Romanian Chairman-in-Office of the OSCE and the Netherlands.

The seminar was opened by the Dutch Minister of Foreign Affairs, Jozias van Aartsen, and addressed by the Romanian Chairman-in-Office, Minister Mircea Dan Geoană. An inspiring keynote address was given by Hilde Johnson, the former Norwegian Minister for International Cooperation and Human Rights.

The seminar was then divided into two simultaneous working sessions. One session dealt with recognition and registration of religious and belief communities. The other discussed restrictions on the activities of religious and belief communities.

The seminar was attended by government representatives of OSCE Participating States and (Mediterranean) Partners for Co-operation, representatives of international organisations and representatives of non-governmental organisations from the OSCE region. More than 200 people participated.

A report on the seminar will be submitted to the Permanent Council of the OSCE and will be widely distributed.

A few general conclusions emerged from the discussions:

The right to freedom of religion or belief is enshrined in various global and regional instruments. The most extensive and detailed commitments are embodied in OSCE documents, including the 1989 Vienna Concluding Document and the 1990 Copenhagen Concluding Document. These commitments are buttressed by the growing body of case law issuing from the European Court of Human Rights, the Human Rights Committee and other treaty bodies.

Every person has the freedom to have, maintain, adopt and change his or her theistic, atheistic and non-theistic beliefs, whether traditional, new, well-known or unfamiliar. This freedom denotes the individual's inner, private domain. OSCE Participating States may not impose any restrictions whatsoever on internal freedom of religion or belief. People are free to explore other beliefs and to make their own choices as to religious commitment and membership, including taking up, abandoning or dissenting from any religion or belief.

Every person also has the freedom, either alone or in community with others and in public or in private, to manifest his or her religion or belief in teaching, practice, worship and observance. This freedom denotes the individual's outer domain. This external freedom of religion or belief is not strictly a personal and intimate matter of the individual and may therefore be restricted under certain conditions. OSCE Participating States have committed themselves to impose such restrictions only by law and when they are necessary in a democratic society to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. The limitations should be proportionate to the specified aim and not used to undermine the underlying rights and freedoms that are guaranteed by OSCE documents.

OSCE documents neither encourage nor discourage Participating States from imposing registration requirements on religious and belief communities. If a Participating State chooses to impose local or national registration requirements, such requirements should not become a precondition for the enjoyment of the rights and freedoms set out in OSCE documents. When certain additional rights and privileges are provided following local or national registration or re-registration, OSCE Participating States must ensure that the registration requirements are transparent, non-discriminatory, and serve a legitimate purpose as agreed in OSCE documents.

In both working sessions the need for transparency was emphasized, for instance on how Participating States are implementing their commitments and facing their challenges in law and practice. The possibility of a broad public dialogue on all levels of society was suggested. States should also consider inviting groups affected and interested to share their views on laws that are being prepared. The wish for more exchange of information, jurisprudence and best practices at national and international levels was repeatedly expressed.

Finally, the work of the OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief was welcomed. The Panel was encouraged to undertake further study, analysis and dissemination of information regarding the issues addressed during the seminar, for instance, by convening expert meetings, by using internet tools, reviewing draft legislation and encouraging discussion within Participating States.

The Hague, 26 June 2001