



UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

OSCE CHAPTER
USCIRF 2010 ANNUAL REPORT



UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

WHO WE ARE

- An independent, bipartisan federal government commission created by the U.S. Congress under the International Religious Freedom Act of 1998 (IRFA), charged with advising the President, Secretary of State, and Congress on policy options designed to protect and promote religious freedom worldwide.
- Led by nine individuals selected from the private sector to serve as Commissioners – three appointed by the President, three by the House of Representatives, and three by the Senate. The Executive Director heads a staff of 20 professionals with expertise in foreign affairs, human rights, and international law.

WHAT WE DO

- Monitor and report on religious freedom around the world and formulate policy recommendations for the Administration and Congress. Issue an annual report on May 1st of each year, and periodic policy briefs containing research findings and policy prescriptions (available on www.uscirf.gov).
- Recommend countries the Secretary of State should designate as “Countries of Particular Concern,” which IRFA defines as countries perpetrating or permitting “systematic, ongoing, egregious violations of religious freedom.” When a country is designated a “Country of Particular Concern,” the President is required by law to take one of several actions, including political or economic sanctions, or a waiver of action.
- Establish a “Watch List” of countries in which religious freedom conditions require close monitoring due to the nature and extent of violations of religious freedom the government engages in or tolerates.
- Undertake fact-finding missions to examine religious freedom conditions firsthand. The Commission has met with heads of state, senior government officials, representatives of human rights and other nongovernmental organizations, religious leaders, and others in: Afghanistan, Bangladesh, Belarus, China, Egypt, Eritrea, Iraq, Nigeria, Philippines, Russia, Saudi Arabia, Syria, Sri Lanka, Sudan, Turkey, Turkmenistan, Uzbekistan, and Vietnam.
- Hold hearings to gather information about religious freedom violations, testify at Congressional hearings, and disseminate information to Congressional offices. The Commission has held a hearing on the intersection of religious freedom and security in Pakistan and testified in the House of Representatives on the history of Uighur persecution in China, human rights in Vietnam, the status of human rights and religious freedom in Iran, and the “Defamation of Religions” resolution in the United Nations.
- Participate in multilateral meetings related to religious freedom including at the United Nations and the Organization for Security and Cooperation in Europe (OSCE). Issues of concern that the Commission is addressing include the problematic “Defamation of Religions” resolutions at the UN as well as multilateral efforts to combat xenophobia and related intolerance in the OSCE region.
- Issued statements and press releases on issues including: the ruling of the Permanent Court of Arbitration in the Hague on the Abeyi border demarcation in Sudan; the release of Iranian Baha’is; religious persecution and government violence in China; attacks in Iraq against Christians and Muslims; attacks on Coptic Orthodox Christians in Egypt; and sectarian clashes in Nigeria .
- Issued special recommendations designed to save the Comprehensive Peace Agreement between North and South Sudan; a report on measures to end the severe abuses of religious minorities in Iraq; a report on the treatment of asylum seekers in Expedited Removal; and an analysis of the ”Defamation of Religions” resolution before the United Nations.

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The Organization for Security and Cooperation in Europe

OSCE Religious Freedom and Tolerance Commitments

The 56 participating States of the Organization for Security and Cooperation in Europe (OSCE), comprising Eastern and Western Europe, the states of the former Soviet Union, the United States, and Canada, have committed themselves to uphold extensive standards to protect freedom of religion or belief and to combat discrimination, xenophobia, intolerance, and anti-Semitism. Freedom of thought, conscience, and religion or belief is singled out for protection in the OSCE founding document, the 1975 Helsinki Final Act, and in many subsequent political agreements.

In recent years, however, some participating states have sought to curtail or derail the organization's focus on human rights activities. Russia, in particular, has often protested that the OSCE focuses too much of its criticism on the countries of the former USSR, while downplaying human rights problems in the West. The Kremlin has proposed that the OSCE should be primarily concerned with military security, and has launched a major "Helsinki Plus" initiative to negotiate a new treaty on European security, ostensibly based on the OSCE. Russia in the past has also withheld needed consensus for the OSCE budget, thereby jeopardizing many OSCE human rights activities. These OSCE activities are key when the governments of Russia and many other former Soviet states are demonstrating increasing disdain for their human rights and religious freedom obligations, including efforts to combat racism, xenophobia, as well as religious and other forms of intolerance and discrimination.

In light of the OSCE's origin during the Cold War, USCIRF views as hopeful the March 2010 appointment of Ian Kelly, former State Department spokesman and Russia specialist, as U.S. ambassador to the OSCE. USCIRF recommends that Ambassador Kelly lead a U.S. effort to revitalize the OSCE by building on its institutional strengths, such as its activities to promote human rights, including freedom of religion or belief, and to combat violent hate crimes, its field presences, and its cooperation with civil society. In light of Kazakhstan's legal restrictions on freedom of religion or belief and the imprisonment of its leading human rights activist, Evgeny Zhovtis, the United States should oppose proposals by Kazakhstan, the 2010 OSCE Chair-in-Office, to organize a summit of the 56 OSCE participating States in 2010.

OSCE Venues to Address Religious Freedom Issues

Participating States are held accountable to their OSCE commitments, including those on freedom of religion or belief, through a variety of mechanisms. These include review meetings by the OSCE and its Office of Democratic Institutions and Human Rights (ODIHR), ODIHR reports, and the activities of many of the 18 OSCE Field Presences.

ODIHR Meetings

ODIHR sponsors an annual conference, usually held in Warsaw in October, to review OSCE participating States' implementation of their human rights commitments, including freedom of religion or belief. Known as Human Dimension Implementation Meetings (HDIMs), these 10-day meetings bring together diplomats, representatives of other international organizations, and hundreds of NGOs. The most recent HDIM, which is said to be the largest European human rights conference, was held in October 2009.

Under ODIHR auspices, the OSCE convened a Supplementary Human Dimension Meeting (SHDM) on Freedom of Religion or Belief in Vienna in July 2009. The meeting brought together 288 participants, including 136 representatives of 47 governmental delegations, as well as 116 representatives of 100 civil

society organizations, six OSCE field operations, two OSCE institutions plus ODIHR, and four international organizations. The SHDM provided an opportunity to evaluate more thoroughly the status of freedom of religion or belief in the OSCE region since the last SHDM on this topic in 2003. Another two-day SHDM on freedom of religion or belief is scheduled for November 2010.

The ODIHR Advisory Panel of Experts on Freedom of Religion or Belief

The ODIHR also provides technical assistance to participating States on religious freedom issues through its Advisory Panel of Experts on Freedom of Religion or Belief. This Panel is comprised of 60 persons nominated by OSCE countries, including a 15-member Advisory Council appointed by the ODIHR Director. The Panel is primarily a consultative resource for OSCE governments considering new or amended legislation affecting freedom of religion, but also provides expert opinions on individual cases. The Panel's Advisory Council reviews both proposed and enacted legislation under guidelines developed by the ODIHR and the Council of Europe's Venice Commission and presents recommendations that would bring legislation into conformity with these international and OSCE standards. The Panel also issues publications, such as the 2007 "Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools," which offers a human rights framework for the development of curricula and was officially approved by the 2008 OSCE Ministerial. The Panel is currently updating its 2004 publication, "Guidelines for Review of Legislation Pertaining to Religion or Belief."

The Panel has advised governments, including those of Macedonia, Romania, Serbia, Tajikistan, Kazakhstan, and Kyrgyzstan, on relevant legislation. The Bulgarian government adopted some of the Panel's recommendations on legislation, but the Uzbek government has not responded to recommendations on its religion laws offered in 2003. In 2008, two expert reviews by the Panel found problems with a draft religion law then being considered in Kazakhstan. Although it had requested the reviews, the Kazakh government refused to make them public. While the Kazakh parliament passed the problematic draft law and President Nazarbayev signed it, the Kazakh Constitutional Council in February 2009 ruled that it was unconstitutional. Tajikistan and Kyrgyzstan also largely disregarded the Panel's recommendations. In 2009, these governments passed highly restrictive new religion laws that USCIRF criticized. In addition, USCIRF in 2009 criticized restrictive amendments to the Azeri religion law and urged Azerbaijan to request a Panel review. However, the government of Azerbaijan did not turn to the Panel for recommendations on these draft provisions.

In an example of an expert opinion on a specific case, the Panel noted that the situation of Jehovah's Witnesses in Moscow illustrates the systemic problem in many post-Soviet countries of strict registration requirements being used to control non-violent religious groups.

USCIRF recommends that the Panel should better publicize its activities and make them more transparent, in particular with respect to those governments that ignore its recommendations. In addition, the OSCE should provide the Panel with sufficient staff and funding so that it can hold at least one annual meeting of its entire membership.

The OSCE Response to Racism, Xenophobia, Discrimination, and Intolerance

The past few years have witnessed a sharp rise in incidents of discrimination, xenophobia, intolerance and violent hate crimes directed toward members of ethnic and religious minorities, particularly Muslims and Jews, in a number of countries in the OSCE region. By not contesting extremist rhetoric, political and societal leaders contribute to an intolerant environment for ethnic and religious minorities. Even worse, in some OSCE countries, officials and state-run media have inflamed public opinion against minority groups. While violent acts against minority individuals and their property often are well documented, they rarely are investigated and prosecuted as hate crimes. All too often, particularly in Russia, such acts

are treated as mere “hooliganism.” When acts of violence or discrimination target members of a particular group because of who they are and what they believe, such acts should be viewed as human rights violations that require an unequivocal response.

In recent years, the OSCE has set up several mechanisms to address intolerance and related human rights issues. Due in part to U.S. diplomatic leadership, the OSCE has convened since 2003 at least 10 high-level and expert conferences to address racism, xenophobia, anti-Semitism, discrimination against religious groups including Muslims and Christians, and other tolerance-related issues. As USCIRF recommended, the OSCE Chairman-in-Office in late 2004 appointed three Personal Representatives to monitor anti-Semitism, intolerance toward Muslims, and intolerance toward Christians and members of other religions, respectively. A new Tolerance Program within ODIHR also was created in 2004 to monitor and encourage compliance with OSCE commitments to combat xenophobia, anti-Semitism, and Islamophobia, as well as to promote freedom of religion or belief.

OSCE Meetings on Tolerance and Related Topics

The OSCE Ministerial Council in 2003 mandated a major international conference in Vienna to address anti-Semitism in the then-55 states of the OSCE region and in 2004, a ministerial-level conference in Berlin. Since then, OSCE has held many other high level meetings on racism, xenophobia, discrimination against Muslims, anti-Semitism, and other forms of intolerance. In 2007, two tolerance-related OSCE conferences were held, one in Romania on Combating Discrimination and Promoting Mutual Respect and Understanding, and the other in Spain where the Spanish OSCE Chair hosted a conference on Intolerance and Discrimination against Muslims. In May 2009, an OSCE Supplementary Human Dimension Meeting focused on ways to implement effectively hate crimes legislation and the challenges posed by violent hate groups. The 2010 Kazakh Chair-in-Office has proposed a high-level ODIHR meeting to discuss tolerance issues in late June 2010 in Astana, the capital of Kazakhstan.

These conferences have generated political support within the OSCE to address anti-Semitism and other forms of intolerance. They also have raised awareness among NGOs and the public about discrimination against Muslims and related issues. However, challenges remain for the OSCE and all its 56 participating States to translate these ideas into concrete policies that will combat intolerance. Regrettably, participating States in 2009 could not reach consensus on a draft declaration proposed by the United States and Canada that would have expressed concern about hate incidents and trends in the OSCE region.

OSCE Personal Representatives

In December 2004, the 55 OSCE participating States authorized the then-Chair-in-Office (CiO), Bulgarian Foreign Minister Solomon Passy, to name three Personal Representatives to promote tolerance. The mandates of the three Personal Representatives address separate but interrelated issues that call for distinct, yet coordinated, responses that focus on improving the implementation of decisions on tolerance and non-discrimination that the OSCE Ministerial and Permanent Councils makes. . The persons selected by the OSCE CiO for these part-time and unpaid positions come from a variety of backgrounds.

In 2009, the Greek Chair-in-Office appointed three new Personal Representatives: Rabbi Andrew Baker, Director of International Jewish Affairs at the American Jewish Committee, as the Personal Representative on Combating Anti-Semitism; Adil Akhmetov, a member of the Kazakh Senate and former First Vice-Minister of Foreign Affairs, as the Personal Representative on Combating Intolerance and Discrimination against Muslims; and Mario Mauro, an Italian member of the European Parliament, as the Personal Representative on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions.

During 2009, the Personal Representatives contributed to relevant OSCE meetings, including the Warsaw HDIM, and made several country visits. For example, Rabbi Baker visited Slovakia, Hungary, and Romania and issued public reports that were posted on the OSCE website. Invitations from additional participating States to the Personal Representatives would enable them to raise issues of concern directly with government officials, as well as hold direct meetings with NGOs and community and religious leaders. Also during 2009, Ambassador Akhmetov discussed methods to combat anti-Muslim discrimination at meetings with the ODIHR, the Permanent Council, and the CiO. In October 2009, the three Personal Representatives visited the United States and testified at a Helsinki Commission hearing on their role in promoting tolerance in the OSCE region.

USCIRF remains concerned that the Representatives' work has been hampered by inadequate funding for staff and travel expenses. The OSCE also should give more prominence to the activities of the Personal Representatives to increase the impact of their findings and recommendations. For example, the Representatives should report in person to the annual OSCE ministerial meetings and their reports should be published and distributed throughout and beyond the OSCE system. USCIRF welcomes the U.S. OSCE Mission's initiative in November 2009 to invite the three Personal Tolerance Representatives to the Permanent Council in Vienna.

The ODIHR Tolerance Program

One major OSCE institutional response to growing concerns on religious intolerance was creating in late 2004 the ODIHR Tolerance Program. Its mandate includes promoting tolerance, combating xenophobia, and advancing freedom of religion or belief. The Tolerance Program's staff monitors tolerance-related issues and provides staff support for both the three Personal Representatives and the ODIHR Advisory Panel of Experts on Freedom of Religion or Belief. The Tolerance Program was charged with setting up a database, collecting data on hate crimes legislation, training police on hate crimes, and providing Holocaust education in specific countries. The Program also serves as a focal point for various national contact points on hate crimes set up by the OSCE states. Although the United States had been an early advocate of the Tolerance Program and provided much of its initial funding, USCIRF is concerned that the U.S. is not funding this important program at an appropriate level.

The Tolerance Program also has developed a "Web Site Guide to Tolerance Education," a curriculum unit on "Holocaust Education and Anti-Semitism," and "Teaching Materials on the History of Jews and Anti-Semitism in Europe." A "Reference Guide on Muslims in Spain" was released in April 2009 as the first in a series intended to raise awareness about anti-Muslim prejudices and stereotypes. The Tolerance Program also continues to issue publications on priorities in various OSCE States. In October 2009, ODIHR released a publication, "Preventing and Responding to Hate Crimes," to provide information to NGOs on how to recognize, monitor, and prevent hate crimes. In November 2009, ODIHR released its hate crimes annual report. The Tolerance Program translates many of its publications into Russian, which is particularly useful in light of the rising levels of xenophobia, racism, and various forms of intolerance in Russia and other former Soviet republics. In March 2010, ODIHR brought together 100 experts from 56 OSCE states in Warsaw to address the need for increased efforts to combat hate crimes inspired by Internet content without interfering with freedom of expression.

To date, the ODIHR's Tolerance Program has emphasized activities with external organizations, although the Program could expand its work with the 18 OSCE Field Presences and other OSCE institutions. As noted, the Tolerance Program's current mandate includes the issue of freedom of religion or belief which had been addressed by the ODIHR Human Rights Department until 2004. USCIRF remains concerned that freedom of religion or belief is treated mainly under the rubric of tolerance activities and not human rights. The Tolerance Program should better coordinate freedom of religion activities with the Human

Rights Department, particularly because only one staff person in the Tolerance Program is assigned part-time to the issue of freedom of religion or belief. Furthermore, in 2007, this position was removed from the unified budget, thus endangering its permanent status and changing its recruitment basis.

USCIRF Activities

Since 2001, the Commission has participated in U.S. delegations to numerous OSCE meetings and has issued extensive recommendations on OSCE activities to protect freedom of religion or belief and combat intolerance and anti-Semitism. USCIRF was one of the first official bodies to speak out against the rise in anti-Semitic violence in Europe, and has addressed anti-Semitism and other intolerance issues in countries including Belarus, Belgium, Egypt, France, Russia, and Uzbekistan.

In the current reporting period, Commission Chair Leonard Leo and Commissioners Cromartie, Gaer, Eid and Prodromou were members of the U.S. delegation to the OSCE Supplementary Human Dimension Meeting (SHDM) on Freedom of Religion or Belief in July 2009. USCIRF Chair Leo delivered a plenary statement on behalf of the United States about the status of religious or belief communities in the OSCE region. Commissioner Eid discussed the status of freedom of religion or belief in Central Asia at a meeting organized by Freedom House. USCIRF hosted a meeting with delegates from EU countries, including Germany, Greece, Lithuania, and the United Kingdom. Members of the USCIRF delegation also held bilateral meetings with the Belarusian, Greek, Kazakh Tajik, and Turkish delegations, as well as with representatives of the Greek Chairman-in-Office, the ODIHR Panel of Experts on Freedom of Religion or Belief, and the two Personal Tolerance Representatives who were present at the SHDM.

In September-October 2009, Commission Chair Leo and Commissioner Argue served on the official U.S. delegation to the Warsaw HDIM conference. They met with delegations including those from Russia, Uzbekistan and Belarus, the Personal Representatives on Tolerance, and ODIHR staff.

During 2009, Commission staff visited OSCE participating States Tajikistan, Kazakhstan, and Azerbaijan to assess the status of freedom of religion or belief in those countries and meet with government officials, academic experts, journalists, representatives of diverse religious communities, and civil society groups.

Recommendations

I. Supporting the OSCE

The U.S. government should:

- oppose efforts by the 2010 OSCE Chair-in-Office Kazakhstan to organize a security summit of the 56 OSCE participating States in 2010 in light of its legal restrictions on religious activity and imprisonment of leading human rights activist Evgeny Zhovtis;
- express strong support for the OSCE at the highest levels of the U.S. government in the face of attacks by other participating States, particularly against the OSCE's human rights, freedom of religion or belief, and tolerance activities carried out by the Office of Democratic Institutions and Human Rights (ODIHR);
- authorize and appropriate specially designated funds, in addition to the 2010 U.S. contributions to the OSCE, to expand programs that advance freedom of thought, conscience, and religion or belief and that combat anti-Semitism, racism, xenophobia, and discrimination against Muslims, Christians, and members of other religions;

- hold regular consultations at the State Department for members of the U.S. government and NGO community concerned with OSCE issues and expand the number and range of invitees;
- include in official U.S. OSCE delegations representatives of relevant U.S. government agencies in addition to the State Department, such as the Homeland Security and the Justice Departments, as well as increase the number and variety of civil society groups involved in the OSCE process; and
- ensure that U.S. OSCE delegations organize regular informational briefings on U.S. priorities for the civil society groups at OSCE meetings.

II. Promoting Religious Freedom and Tolerance within the OSCE's Participating States

The U.S. government should urge that OSCE participating States undertake the following measures:

- ensure compliance with their commitments to protect freedom of religion or belief, as well as combat discrimination, xenophobia, and anti-Semitism, as detailed in the Vienna and Copenhagen Documents on the Human Dimension;
- engage in a regular public review of compliance with OSCE commitments on freedom of religion or belief, racial and religious discrimination, and anti-Semitism, including by facilitating a more active role by NGOs as part of that process;
- commit promptly, publicly, and specifically to condemn hate crimes and investigate and prosecute their perpetrators;
- take all appropriate steps to prevent and punish acts of anti-Semitism, such as condemning publicly specific anti-Semitic acts, pursuing and prosecuting the perpetrators of attacks against Jews, and, while vigorously protecting freedom of expression, counteracting anti-Semitic rhetoric and organized anti-Semitic activities;
- condemn in a public fashion, while vigorously protecting freedom of expression, attacks targeting Muslims and pursue and prosecute the perpetrators of such attacks;
- ensure that efforts to combat terrorism not be used as a justification to restrict the human rights, including freedom of religion or belief, of members of religious minorities;
- bring national legislation and practice, as well as local laws, into conformity with international human rights standards and OSCE commitments by: permitting all religious groups to organize and conduct their activities without undue interference; discontinuing excessive regulation of the free practice of religion, including registration or recognition requirements that effectively prevent members of religious communities from exercising their freedom to manifest religion or belief; and permitting limitations on the right to freedom of religion or belief only as provided by law and consistent with participating States' obligations under international law;
- monitor the actions of regional and local officials who violate the right to freedom of religion or belief and provide effective remedies for any such violations; and
- establish mechanisms to review the cases of persons detained under suspicion of, or charged with, religious, political, or security offenses and release those who have been imprisoned solely because of

their religious beliefs or practices, as well as any others who have been unjustly detained or sentenced.

III. Promoting Religious Freedom and Tolerance through the OSCE's Institutional Mechanisms

The U.S. government should urge the OSCE to:

- promote freedom of thought, conscience, religion and belief throughout the OSCE region, both east and west of Vienna, including focusing on issues such as discriminatory registration systems, limitations on religious expression, state interference in the internal hierarchical and property arrangements of religious communities, and limitations on the rights of parents to ensure the religious and moral education of their children in conformity with their own peaceful religious or other beliefs;
- consider ways to bring greater public attention to the activities of the OSCE Panel of Experts on Freedom of Religion or Belief, such as enhancing the transparency of its activities, providing funds to enable the Panel to hold training seminars, including in the Mediterranean Partner States, about OSCE commitments on freedom of religious or belief;
- encourage the convening of an annual meeting of the OSCE Panel of Experts on Freedom of Religion or Belief that is open to its entire membership;
- ensure, as a matter of priority, the reappointment of the three Chair-in-Office Personal Representatives on tolerance issues and make the country-specific reports of the three Personal Representatives available to the public;
- urge the Personal Representative on Combating Intolerance and Discrimination against Muslims to report on conditions in OSCE participating States in which Muslims constitute a majority population, focusing particularly on government repression of peaceful religious expression;
- request that the three Personal Representatives report in person to the annual OSCE ministerial meetings, and that the OSCE Chairman-in-Office invite the three Personal Representatives to participate on his or her official visits and refer to their work and conclusions in speeches and other presentations;
- encourage OSCE participating States and the 18 OSCE Field Presences to invite the Personal Representatives on official visits;
- convene on a regular basis public review meetings to assess compliance by OSCE participating States of their commitments to combat discrimination, xenophobia, and anti-Semitism;
- ensure that all participating States take concrete actions to meet their commitments to combat discrimination and intolerance, including measures to combat anti-Semitism, as detailed in the 1990 Copenhagen Document; these measures should include adopting laws to protect against incitement to violence based on discrimination, including anti-Semitism, and providing individuals with effective remedies to initiate complaints against acts of discrimination;
- convene expert conferences on anti-Semitism and freedom of religion or belief, as well as other tolerance issues, during 2010 and 2011;

- assist ODIHR in making it possible for the OSCE Field Presences and the ODIHR to hold public roundtables with local government officials, NGOs, and community leaders to discuss commitments on freedom of religion or belief, as well as the concept and definition of hate crimes and the implementation of hate crimes legislation;
- provide voluntary, extra-budgetary funding for additional staff to deal with freedom of religion or belief, working within the ODIHR Human Rights Program, and encourage the ODIHR Tolerance Program staff take part in ODIHR training of Field Presences and other OSCE staff;
- provide the ODIHR with the necessary mandate and adequate resources to hire as part of the Unified Budget experienced staff at the working level, to direct the Tolerance Program, monitor compliance with OSCE obligations on freedom of religion or belief, and combat discrimination, xenophobia, and anti-Semitism; and
- provide funding for the translation of additional ODIHR Tolerance Program reports into OSCE languages, particularly Russian, and for the employment of at least one ODIHR Tolerance Program staffer with Russian-language capability.