

Promoting International Religious Freedom through Multilateral Institutions

The International Religious Freedom Act of 1998 (IRFA) specifically cites U.S. participation in multilateral organizations as an avenue for advancing the freedom of religion or belief, which is enshrined in numerous international conventions and declarations, including those of the United Nations (UN) and the Organization for Security and Cooperation in Europe (OSCE).

At the UN, religious freedom issues are addressed primarily at the Human Rights Council, including through its new Universal Periodic Review (UPR) process, as well as through monitoring by its Special Rapporteur (independent expert) on Freedom of Religion or Belief. The UPR process provides rights-supporting states the opportunity to ask questions of, and make strong recommendations to, nations whose records on human rights, including religious freedom, do not meet international standards. USCIRF urges the United States to continue to use the UPR process to raise serious concerns, particularly when “countries of particular concern” are reviewed. USCIRF also recommends that the United States seek additional UN scrutiny of countries violating religious freedom and related human rights, such as through Human Rights Council and General Assembly resolutions, monitoring by relevant thematic experts including the Special Rapporteur on Freedom of Religion or Belief, and the appointment or continuation of country-specific Special Rapporteurs. In this regard, USCIRF commends the United States for its leadership in bringing about the creation, in March 2011, of a new UN Special Rapporteur on the human rights situation in Iran.

In recent years, USCIRF has been seriously concerned about initiatives by some UN member states to create an international legal norm, or redefine existing norms, to protect religions, rather than individuals, from alleged “defamation.” Instead of helping to address religious persecution and discrimination, as its proponents allege, a global ban on the so-called “defamation of religions” would exacerbate these problems and undermine fundamental individual rights, including religious freedom and free expression. Essentially, it would be an international blasphemy law. USCIRF welcomes the UN Human Rights Council’s move away from the flawed defamation of religions approach at its March 2011 session, but urges the United States and other UN members who support universal human rights to remain vigilant against further efforts by its proponents to insinuate the defamation of religious concept into international human rights law, including attempts to expand the meaning of incitement.

The OSCE continues to be an important forum in which the 56 participating states are held accountable for the extensive religious freedom commitments elaborated in various OSCE documents. In recent years, however, some participating states, led by Russia, have sought to curtail or derail the organization’s focus on human rights activities. These activities are particularly important at a time when the Russian government and governments of other post-Soviet countries are demonstrating an increasing lack of commitment to their human rights and religious freedom obligations, including efforts to combat racism, xenophobia, and other forms of intolerance and discrimination. USCIRF urges the United States to lead an effort to revitalize the OSCE’s human rights activities and help it build on its ability to address urgent societal problems such as violent hate crimes.

The United Nations

UN Religious Freedom and Tolerance Commitments

The 192 member states of the United Nations have agreed, by signing the UN Charter, to “practice tolerance” and to “promot[e] and encourag[e] respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.” These fundamental freedoms include the freedom of thought, conscience, and religion or belief, which is protected and affirmed in numerous international human rights instruments, including the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights (ICCPR), and the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

UN Venues for Addressing Religious Freedom Issues

The UN Human Rights Council and UPR

In 2006, the UN Commission on Human Rights was replaced by a new body, the UN Human Rights Council, which meets more often, is marginally smaller, and has certain new procedures such as the Universal Periodic Review (UPR). The Human Rights Council was intended to address and correct the perception that the Commission on Human Rights unfairly singled out some states for repeated scrutiny while ignoring many others. Through the UPR process, which commenced in 2008, UN members will assess the human rights performance of every UN member state, some of whose human rights records have never before been reviewed by an intergovernmental body. The first cycle of review of all 192 UN member states will be complete in late 2011.

The UPR process provides all UN member states the opportunity to ask hard questions of nations whose records on religious freedom and related human rights do not meet international standards. Although the Bush administration participated in the initial UPR session, it did not do so later in 2008 as part of its policy of not engaging with the Human Rights Council except in narrow circumstances. The Obama administration first spoke at the May 2009 session, and since then has participated actively in the UPR process, including raising religious freedom concerns during the reviews of Vietnam, Egypt, Iran, Iraq, Kazakhstan, Laos, and Turkey. The United States raised individual cases of religious prisoners at the Vietnam UPR and sent the Assistant Secretary for Democracy, Human Rights and Labor to Geneva to participate in the UPR of Iran.

USCIRF urges the United States to continue to use the UPR process to ask probing questions and make strong recommendations concerning religious freedom in key countries, particularly those designated as “countries of particular concern,” or CPCs, under IRFA. USCIRF also recommends that the United States seek additional UN scrutiny of states violating religious freedom and related human rights, for example through Human Rights Council and General Assembly resolutions, monitoring by the Special Rapporteur on Freedom of Religion or Belief, and the appointment or continuation of country-specific Special Rapporteurs. In this regard, USCIRF commends the United States for its leadership in bringing about the creation, in March 2011, of a new UN Special Rapporteur on the human rights situation in Iran.

The UN Special Rapporteur on Freedom of Religion or Belief

In 1986, on the initiative of the United States, the Human Rights Council's predecessor body appointed an independent expert, or Special Rapporteur, to investigate and report on instances of religious intolerance and violations of the internationally-protected right to freedom of religion or belief around the world. The Special Rapporteur on Freedom of Religion or Belief monitors this fundamental freedom worldwide, communicates with governments about alleged violations, conducts country visits, and, perhaps most importantly, brings religious freedom concerns to the UN and public attention.

The Human Rights Council most recently renewed the Special Rapporteur's mandate in June 2010 and appointed Professor Heiner Bielefeldt from Germany to the position as of August 2010. Like his predecessor, Ms. Asma Jahangir, Professor Bielefeldt has continued to focus, correctly, on protecting individuals from violations of the right to freedom of religion or belief, not protecting religions from criticism as sought by the proponents of the campaign discussed below. USCIRF Commissioners met with Professor Bielefeldt after his first presentation to the Third Committee of the UN General Assembly in October 2010 to discuss issues of mutual concern.

The Campaign to Protect Religions from Alleged “Defamation”

The Flawed “Defamation of Religions” Concept

Since 1999, the Organization of the Islamic Conference (OIC) – a regional organization of 57 nations with Muslim majorities or significant Muslim populations – annually has sponsored non-binding resolutions in the Human Rights Council and its predecessor calling on UN member states to outlaw the so-called “defamation of religions.” Similar resolutions have been adopted at the General Assembly each year since 2005. At the Human Rights Council, these efforts have been led by Pakistan; at the General Assembly, Egypt has played a leading role. The OIC's stated goal is the adoption of a binding UN document protecting religions from defamation – which it is now pursuing in a subsidiary body called the “Ad Hoc Committee on the Elaboration of Complementary Standards” (see *The Erroneous Efforts to Conflate “Defamation of Religions” and Incitement*, below).

As USCIRF has explained, the defamation of religions effort undermines individual rights to freedom of religion and expression, exacerbates religious intolerance, discrimination and violence, and provides international support for domestic blasphemy laws that often have led to gross human rights abuses. In conjunction with the State Department, Congress, and a broad coalition of human rights NGOs, USCIRF has worked to raise awareness of the dangers of the defamation of religions approach and to urge UN member states to vote against the concept.

As a result of these efforts, support for the problematic defamation of religions resolutions eroded significantly in both Geneva and New York over the past several years. Since 2008, the resolutions consistently have been supported by only a plurality of member states. In 2010, at both the Human Rights Council and the General Assembly, defamation of religions resolutions

garnered the least support and most opposition the issue had ever received, coming within, respectively, four and 13 votes of defeat.

In a positive development, the UN Human Rights Council did not adopt a defamation of religions resolution at its March 2011 session. Instead, the Council adopted a consensus resolution on “combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief.” The new resolution properly focuses on protecting individuals from discrimination or violence instead of protecting religions from criticism. The resolution protects the adherents of all religions or beliefs, instead of focusing on one religion, and it does not conflate race and religion. Moreover, unlike the defamation of religions resolutions, the new resolution does not call for legal restrictions on peaceful expression. In fact, as the U.S. delegation pointed out in its explanation of position, the new resolution calls for criminalization only in the case of incitement to imminent violence. This follows the U.S. First Amendment standard and is more protective of expression than Article 20(2) of the ICCPR. Nevertheless, the United States and other UN members who support universal human rights should remain vigilant against continued efforts by the defamation of religions proponents to insinuate that concept into international law, including the attempts to conflate defamation of religions and incitement discussed below.

The Erroneous Efforts to Conflate “Defamation of Religions” and Incitement

Countries advancing the flawed defamation of religions concept also have sought, in various UN contexts, to redefine existing international standards that prohibit incitement so as to outlaw speech insulting or criticizing religions. The current focus of these efforts is primarily in two bodies. These are: 1) the Human Rights Council’s “Ad Hoc Committee on the Elaboration of Complementary Standards,” which is considering whether to amend or make additions to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and 2) the Human Rights Committee, the ICCPR treaty body, which is working on a new General Comment explaining its interpretation of that covenant’s freedom of expression guarantee.

In these efforts, the defamation proponents mainly look to ICCPR Article 20(2), which prohibits “advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence.” They also cite Article 4 of ICERD, despite the fact that this treaty addresses race, not religion. ICERD Article 4 prohibits the “dissemination of ideas based on racial superiority or hatred” and “incitement to racial discrimination, as well as acts of violence or incitement to such acts.” The United States has reservations to both ICCPR Article 20 and ICERD Article 4 to the extent that they interfere with rights protected under the U.S. Constitution.

The efforts by the defamation proponents to redefine and broaden significantly these two provisions to encompass allegedly religiously defamatory speech are of serious concern. ICCPR Article 20(2) and ICERD Article 4 provide only limited exceptions to the fundamental freedoms of expression and religion. Triggering them requires more than just the expression of critical, or even insulting, views on religious matters. These provisions are intended to protect individuals from acts of violence or discrimination, not to protect religious institutions or ideas from

criticism. In addition, they have always been interpreted together with treaty provisions protecting the freedoms of religion and expression, ensuring equality before the law, and prohibiting any measures that would destroy guaranteed rights.

In addition, conflating race and religion to bring defamation of religions within ICERD's ambit would raise serious religious freedom problems. A person's race is immutable, but his or her religion is not. Indeed, the individual right to freedom of religion or belief includes the right to freely choose to change one's religion, whether to another religion or no religion at all. Moreover, deeming speech that is critical of or insulting to religions as equivalent to racist hate speech would suppress any discussion of truth claims about, among, or within religions – the peaceful sharing of which is an integral part of the freedom of religion or belief.

Recommendations

In order to ensure that the United Nations fully upholds its crucial mandate to protect and promote freedom of thought, conscience, and religion or belief, the U.S. government should:

- participate actively in the UN Human Rights Council, including its Universal Periodic Review (UPR) process, and in particular seek to ensure that each country's compliance with international religious freedom standards constitutes an important part of the UPR and any country-specific resolutions in both the Human Rights Council and the UN General Assembly;
- continue firmly and unequivocally to support the work of the UN Special Rapporteur on Freedom of Religion or Belief, including the Rapporteur's focus on the universal right of every individual to the freedom of thought, conscience and religion or belief, rather than on the purported rights of religions;
- continue to support the existing UN Special Rapporteur positions that focus on the human rights situations in countries that have been designated as "countries of particular concern" under IRFA and, for the other countries on that list, seek either 1) the creation of additional Special Rapporteur positions and other country specific measures or 2) visits to those countries by teams of thematic Special Rapporteurs, including the Special Rapporteurs on Freedom of Religion or Belief and Freedom of Opinion and Expression;
- at the highest levels, both in Geneva and in national capitals, formally demarche the Organization of the Islamic Conference (OIC) Secretary General and the governments of Pakistan and Egypt, among others, to raise concerns about the problematic defamation of religions, ICCPR Article 20, and ICERD Article 4 initiatives, and make clear that their continued support will negatively impact the emerging relationship between the OIC and the United States, as well as the bilateral relationships between other such governments and the United States; and
- include in the mandate of the Special Envoy to the OIC the task of raising with OIC countries U.S. opposition to the defamation of religions concept and the efforts to reinterpret ICCPR Article 20 and ICERD Article 4.

The U.S. government and all other UN members that support universal human rights, including freedom of religion, should:

- continue to oppose efforts in international fora to establish an international legal principle that would claim to protect religions from defamation or criticism, offering new rights to religions that would undermine many fundamental, individual human rights;
- educate member states who have not voted against past defamation of religions resolutions, as well as moderate OIC countries, about the human rights abuses perpetrated under this concept and urge them to oppose any future such resolutions and any attempts to reinterpret ICCPR Article 20 or ICERD Article 4;
- work diplomatically and more diligently to persuade OIC members and others who support the defamation of religions concept that religious intolerance can best be fought not through national or international laws prohibiting speech that defames religions, but rather through efforts, including education, public diplomacy, and the enforcement of laws against bias-motivated violence and discrimination, to ensure respect for the human rights of every individual; and
- reaffirm and clarify to independent expert members of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination and to governmental representatives on the Ad Hoc Committee on the Elaboration of Complementary Standards the extent and content of specific concerns over any reinterpretation or expansion of ICCPR Article 20 or ICERD Article 4.

The Organization for Security and Cooperation in Europe

OSCE Religious Freedom and Tolerance Commitments

The Organization for Security and Cooperation in Europe (OSCE), comprised of 56 participating states from Europe, the former Soviet Union, the United States, and Canada, has established the most extensive international 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 disregard 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. Countries covered in this report, such as Uzbekistan, Turkmenistan, and Tajikistan, continue to repress human rights and freedom of religion or belief. Other OSCE participating states, particularly Azerbaijan and the Kyrgyz Republic, have adopted restrictive new laws and policies regarding religious freedom.

Kazakhstan's election as the first former Soviet republic to serve as the OSCE Chair-in-Office in 2010 raised concerns about whether the new chair would attempt to reduce the OSCE's traditional emphasis on human rights, weaken its human rights institutions and traditions, and undermine its efforts to combat violent hate crimes. These concerns were based on Kazakhstan's poor record on freedom of religion or belief and on the four-year labor camp term it imposed on its leading human rights activist, Evgeny Zhovtis, just before assuming the OSCE chair. Civil society activists have long played an important role at OSCE conferences. In 2010, the Kazakh chair did not play a helpful role when the United States and other delegations opposed the Turkmen government's repeated efforts to exclude three Turkmen human rights activists from the 2010 Human Dimension Implementation Meeting (HDIM) and other meetings.

As chair, Kazakhstan hosted an OSCE summit in Astana in December 2010, the first such high-level meeting since 2001. Although Russia sought a focus on "hard security," the Astana summit declaration set forth a comprehensive concept of security. For example, Article 6 of the declaration states "categorically and irrevocably that the commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned." Article 7 calls for the safeguarding and strengthening of "[r]espect for human rights, fundamental freedoms,

democracy and the rule of law,” and for “greater efforts ... to promote freedom of religion or belief and to combat intolerance and discrimination.” After the Kazakh OSCE chairmanship ended on January 1, 2011, observers concluded that, on balance, its chairmanship had neither promoted nor undermined core OSCE human rights values, institutions, and activities.

Lithuania became the OSCE Chair-in-Office in early 2011. Its announced goals for its chairmanship include finding ways for the OSCE to support human rights in Belarus, despite the termination of the OSCE Office in Minsk, as well as to promote “programs to develop tolerance education and to combat hate crimes and all forms of discrimination” throughout the OSCE area.

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. The OSCE Office of Democratic Institutions and Human Rights (ODIHR) sponsors the largest human rights meeting in Europe, usually held in Warsaw in October, to review participating states’ implementation of their human rights commitments, including those related to 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 was held in October 2010. USCIRF Commissioner Felice Gaer presented the official U.S. intervention during the plenary on freedom of religion or belief, marking the first time that USCIRF has done so during its many years of participation in the U.S. delegation. The USCIRF delegation also met with Uzbek, Turkish, and Tajik officials in bilateral discussions of religious freedom concerns.

Under ODIHR’s auspices, the OSCE also convened a Supplementary Human Dimension Meeting (SHDM) on Freedom of Religion or Belief in Vienna in December 2010, the second such meeting in two years, reflecting the OSCE’s unique level of activity on the issue. The SHDM provided an opportunity to evaluate more thoroughly the status of freedom of religion or belief in the OSCE region. The UN Special Rapporteur on Freedom of Religion or Belief participated, as did representatives from the Venice Commission of the Council of Europe. In his opening remarks, the ODIHR Director observed that the OSCE has adopted a dual-track approach to freedom of religion or belief: promoting tolerance and promoting rights. He stressed that while “promoting tolerance is a worthwhile undertaking, it cannot substitute for ensuring freedom of religion or belief.”

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 composed 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 and presents recommendations that would bring legislation into conformity with OSCE standards. The Panel has also issued publications, such as the “Toledo

Guiding Principles on Teaching about Religions and Beliefs in Public Schools,” which offers a human rights framework for the development of curricula. The Panel is currently updating its 2004 publication, “Guidelines for Review of Legislation Pertaining to Religion or Belief.”

The Panel also responds to requests by governments or OSCE field missions for legal opinions on draft legislation relevant to OSCE religious freedom commitments. The Panel has provided such assistance to Bulgaria, Macedonia, Kyrgyzstan, Tajikistan, and Uzbekistan, among others. In 2008, two expert reviews by the Panel found problems with a draft Kazakh religion law. While the Kazakh government refused to make the Panel’s views public, the Kazakh Constitutional Council in February 2009 ruled the law unconstitutional. USCIRF has also criticized numerous restrictive amendments to the Azeri religion law and urged Azerbaijan to request a Panel review, but that government ignored the suggestion and in 2010 further restricted religious freedom.

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 religious and ethnic minorities, particularly Jews and Muslims, in a number of countries in the OSCE region. 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 by governments as human rights violations that require unequivocal responses. The OSCE has set up several mechanisms to address intolerance and related human rights issues. Due in part to U.S. leadership, the OSCE has convened since 2003 more than 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. 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 Kazakh Chair-in-Office held a high-level meeting to discuss tolerance issues in late June 2010 in Astana, the capital of Kazakhstan. The “High-Level Conference on Tolerance and Non-Discrimination” continued the OSCE’s longstanding commitment to discussing tolerance issues at a high political level. USCIRF staff participating in the U.S. delegation noted that the event was another example of how these conferences continue to generate political support within the OSCE to address anti-Semitism and other forms of intolerance. The U.S. statement noted that “banning head coverings and other forms of religious attire, as well as the building of mosques and minarets, often constitute restrictions on religious expression, can be discriminatory, and can marginalize members of minority groups,” and expressed concern about a spike in anti-Semitism in the region.

In November 2010, ODIHR convened a special meeting at the OSCE headquarters in Vienna with education ministry officials and experts from throughout the OSCE region. The Personal Representative of the OSCE Chairmanship on Combating Anti-Semitism participated, as did representatives from the EU Agency for Fundamental Rights, the Task Force on International Co-operation on Holocaust Education, Remembrance and Research, and UNESCO. The meeting also highlighted ODIHR's efforts to work with education ministries in 14 participating states to develop programs to combat anti-Semitism.

In March 2011, the Lithuanian Chair-in-Office convened a high-level meeting in Prague entitled "Confronting Anti-Semitism in Public Discourse." The meeting focused on concerns that expressions of anti-Semitism in public discourse remain a serious issue in many participating States leading to hostility and sometimes to violent acts. The meeting examined how such comments can create a dangerous atmosphere for Jews and discussed the role that media and public discourse can play in promoting tolerance and preventing hate crimes. At the meeting, the representative of the Lithuanian Chair-in-Office stated, "We are called upon to find new ways to teach, at an early age, the story of the Holocaust and inoculate our children from the virus of anti-Semitism."

OSCE Personal Representatives

In December 2004, OSCE participating States authorized the then-Chair-in-Office (CiO), Bulgarian Foreign Minister Solomon Passy, to name three Personal Representatives to promote tolerance, which has been continued by subsequent chairmanships. 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 adopted by the OSCE Ministerial and Permanent Councils. The persons selected by the OSCE CiO for these part-time and unpaid positions come from a variety of backgrounds.

In 2011, the Lithuanian Chairmanship re-appointed Rabbi Andrew Baker, Director of International Jewish Affairs at the American Jewish Committee, as the Personal Representative on Combating Anti-Semitism; reappointed 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 appointed Dr. Massimo Introvigne, an Italian professor, as the Personal Representative on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions. Mario Mauro, an Italian member of the European Parliament, previously held the last position.

During the reporting period, the Personal Representatives contributed to relevant OSCE meetings, including the Warsaw HDIM and the Astana tolerance meeting. Rabbi Baker visited the Netherlands and Sweden 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 to hold direct meetings with NGOs and community and religious leaders.

Observers have noted that the Representatives' work has been hampered by inadequate funding for staff and travel expenses, and that the OSCE does not adequately promote the activities of the Personal Representatives to ensure that their findings and recommendations have greater impact. For example, the Representatives have not been asked to report in person at the annual OSCE ministerial meetings nor are their reports published and distributed throughout and beyond the OSCE system.

The ODIHR Tolerance Program

The ODIHR Tolerance Program represents a major OSCE response to growing concerns on religious intolerance. Created in 2004, 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.

Among other projects, the Tolerance Program 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." 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. 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.

Recommendations

I. Supporting the OSCE

The U.S. government should:

- express strong support for the OSCE from 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, in the 2011 U.S. contributions to the OSCE, specially designated funds 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; and

- hold regular consultations at the State Department and at OSCE meetings for members of the U.S. government and the NGO community concerned with OSCE issues and expand the number and range of invitees.

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;
- commit promptly, publicly, and specifically to condemn hate crimes and investigate and prosecute their perpetrators; and
- 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.

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;
- convene 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 annual 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;
- 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, as part of the Unified Budget, to hire experienced staff at the working level, to direct the Tolerance Program, to monitor compliance with OSCE obligations on freedom of religion or belief, and to 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.