

## **HDIM 2013**

### **Working session 7: Freedom of religion or belief (specifically selected topic, continued)**

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The session focussed on the responsibility of participating States to ensure respect for the right to non-discriminatory recognition of the legal personality of religious and belief communities. It examined to what extent legislation in this area can be improved, and how the implementation of this commitment by national authorities can be enhanced.

Introducer Dr. Nazila Ghanea (Lecturer in International Human Rights Law at the University of Oxford, Member of the OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief) made the point that the purpose of registration must be to enable and facilitate the practice of religion in community with others. Registration must promote the ability to operate internally and interact with society. It should be voluntary, easy, non-discriminatory and with a right to appeal.

There were 40 interventions, of which 33 by NGOs, and in addition 5 delegations under right of reply.

Many NGOs highlighted the problems for Christian communities in some countries. Despite laws guaranteeing freedom of religion or belief (FoRB), there were practical obstacles to exercising this freedom. Registration is often mandatory for practising one's faith in community with others. Many mentioned strict or ill-defined rules for registration, such as requirements for a large number of signatures, sometimes from several or all geographic regions of the country. Some authorities required excessive documentation. Sometimes rules seemed to be applied in an arbitrary and discriminatory way. Failure to register could be punished with severe fines. Religious activity outside the area of registration could be punished. Some communities experienced problems acquiring places of worship or importing literature.

Christian and Muslim groups pointed to cases where believers had been charged with extremism, inciting hatred or other illegal activities only for peacefully observing their faith. There were cases of torture, forced psychiatric treatment and imprisonment. Anti-terrorism laws were used against religious communities.

Some speakers stated that the right to conscientious objection and an alternative to military service was not recognized in some participating States.

In a few countries minority religious groups had experienced attacks from other groups that the authorities did little to prevent.

The establishment of ODIHR's new Advisory Panel of Experts on Freedom of Religion or Belief was welcomed by several speakers.

A few speakers said that in some countries dominant secularist views left little room and respect for the role of religion. One religious group experienced problems being registered as a public benefit organization with the right to tax exemptions.

The need for non-denominational schools (in Ireland) was pointed out.

Some delegations stressed the link between FoRB and other rights, as freedom of expression, assembly and association. Religion must never be used to restrict the enjoyment of other rights, as women's rights.

One delegation stated that freedom for one group must never interfere with the freedom of others. Freedom for some must not threaten traditional moral values. Traditional religions must not be discredited. A balance must be found.

Creating a better environment for public dialogue between different religious communities and the authorities was mentioned as important. Religious leaders should protest against all forms of religiously motivated violence, not least that committed by members of their own communities. ODIHR should assist in training religious leaders.

It was stated that it should be legitimate to discuss the norms and practise of all religions and this should not be met with accusations of intolerance (as Islamophobia).

Some speakers regretted the negative descriptions of one religion (Islam) by a few speakers.

**Recommendations to the participating States:**

- Start an open dialogue with minority confessions, recognize religious pluralism, and raise awareness of and promote a positive attitude towards diversity. This pluralism should be reflected in legislation;
- Use the tools and methodological materials developed by ODIHR;
- Ensure that legislation respects the basic freedom of conscience and provides religious communities with the right to full legal recognition and charitable status;
- Join with NGOs in combating anti-Semitism and intolerance towards Islam;
- Create an environment that promotes dialogue between religious groups and State authorities;
- Explore ways to update and reinforce existing OSCE commitments in FoRB.
- Continue promotion of international norms and commitments under MC Decision 4/03 Maastricht in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.
- The authorities of Kazakhstan should eliminate the article in the legislation on mandatory registration of religious communities according to international standards.
- The authorities of Azerbaijan should register the religious community of Jehovah's Christian Witnesses and give them the right to practice their belief.
- The authorities of the UK should resolve the issues of Plymouth Brethren Christian Church.
- The authorities of Uzbekistan should solve the problem of registration of religious communities and stop unauthorized home searches and assaults on places of worship.

**Recommendations to the OSCE, its institutions and field operations:**

- ODIHR and OSCE Field Operations should develop and carry out activities aimed at enhancing understanding and strengthening the implementation of FoRB.
- ODIHR should reinforce the work of its Desk on FoRB and effectively address the connections of FoRB with other fundamental freedoms in cooperation with its Human Rights Department.
- ODIHR was requested to collect best practices and experience on legislation on religious assemblies, public prayers and observation of religious holidays.
- ODIHR should train religious leaders to assist the participating States in promoting dialogue between religious groups and State authorities.