

THE OSCE AND FREEDOM OF RELIGION IN KOSOVO

**Lecture given by Ambassador Jean-Claude Schlumberger
Head of the OSCE Mission in Kosovo**

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I would like to thank the Kosovo Center for Diplomacy for inviting me to speak at this Kosovo International Summer Academy. It is an honor to be able to talk about the OSCE's work before such a diverse audience.

Today I'm going to briefly describe the mandate of the Organization for Security and Co-operation (OSCE) and its Mission in Kosovo. I will focus on how the respect, protection, and promotion of human rights contribute to security. In particular, how freedom of religion contributes to security.

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The OSCE was established as a security organization. Our participating States wanted to create a comprehensive framework for peace and stability in Europe that entailed more than the absence of conflict. Thus, the OSCE adopted an approach to security that encompasses what we call the "three dimensions of security": the politico-military dimension, the economic and environmental dimension, and the human dimension. This "comprehensive concept of security" is a founding principle of the OSCE. It recognizes the strong connection between human rights and peace. In fact, human rights lie at the core of what the OSCE represents.

We are now celebrating the 40th anniversary of the Helsinki Final Act, the document that established the OSCE. That act recognizes as one of its ten guiding principles the "respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief."

The Helsinki Final Act represented a milestone in the history of human-rights protection. For the first time, human rights principles were included as an explicit and integral element of a regional security framework on the same basis as politico-military and economic issues. Also, all these principles enjoy equal status, which means that no participating State may claim that they have to establish political or economic security before addressing human rights and democracy.

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With that background, let me remind that the OSCE Mission in Kosovo was established in 1999. The Mission is mandated to promote human rights, good governance, and the rule of law in Kosovo through monitoring and supporting the work of local institutions.

Since its establishment, we have assisted in the development of a democratic and multi-ethnic society in Kosovo where the rights of all communities are protected. We helped create and develop a number of key institutions, including the Assembly of Kosovo, municipal administrations, the Ombudsperson Institution, the judicial institute, the Central Election Commission, the Office of the Language Commissioner, the public broadcaster, media regulators, the police school, and the police inspectorate. We continue to support these institutions and others by monitoring their compliance with human rights standards and good governance principles, and by providing advice and training to address observed shortcomings and build institutional capacity.

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Now, turning to freedom of religion.

As a universal human right, freedom of religion or belief is essential to safeguarding respect for diversity. Its free exercise directly contributes to tolerance, democracy, the rule of law, peace, and stability. Violations of freedom of religion or belief may exacerbate intolerance, and they often constitute early indicators of potential violence and conflicts. The protection and promotion of the right to freedom of religion or belief is inseparable from the promotion of religious tolerance. Only through promotion of religious tolerance can conditions be enabled for the free exercise of the right to freedom of religion or belief on an equal basis, and with an understanding for diversity and an acceptance of religious differences.

The participating States of the OSCE have made numerous commitments in regards to religious freedom. For example, in the Vienna Concluding Document from 1989, participating States agreed to “engage in consultations with religious faiths, institutions and organizations in order to achieve a better understanding of the requirements of religious freedom” and to “favourably consider the interest of religious communities to participate in public dialogue, including through the mass media.”

At the Ministerial Council of Astana in 2010, we noted that “serious threats and challenges” to security remain. And that “greater efforts must be made to promote freedom of religion or belief and to combat intolerance and discrimination.”

Recently, in Kiev in 2013, our participating States committed to “promote and facilitate open and transparent interfaith and interreligious dialogue and partnerships.”

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In addition to the OSCE commitments, the right to freedom of religion is set out in the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, and the European Convention on Human Rights. These three documents are directly

applicable in Kosovo. Further, Kosovo has its own Law on Freedom of Religion, which expresses the values of religious freedom, non-discrimination, and religious neutrality.

Kosovo presents itself as “secular”. It does not mean that the government should not engage in religious issues. On the contrary. Secularism is not ignoring religions, it is considering religious organizations or communities according to a formal legal framework which does not address or promote any religious doctrine.

Following from that, the Kosovo government has recognized its role in promoting inter-religious dialogue. For example, last May, the government organized for the third year in a row an Inter-faith Conference in Prishtinë/Priština. It announced it will continue to host such an annual Inter-faith Conference and support inter-faith projects. I very much hope that the government will indeed continue to support inter-religious dialogue and provide strong safeguards for the full protection of the freedom of religion or belief.

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I mentioned the Kosovo Law on Freedom of Religion. It has been heavily criticised by religious communities, by the Assembly of Kosovo committee on human rights, and by international actors—including the OSCE.

The primary concern is that it fails to include a mechanism for religious groups to register and obtain legal status. Now, under international human rights law, religious groups cannot be required to register with the government. But without registration and the legal personality it brings, religious groups have difficulty buying or renting property, paying salaries, opening bank accounts, and accepting donations. In short—they have difficulty fully exercising their right to freedom of religion.

Further complicating this issue is the fact that, though all religious communities want the option to obtain legal personality, they do not all see eye-to-eye on the details of what registration means. For example, religious communities have conflicting opinions on financing regulations. The largest religious group in Kosovo, the Kosovo Islamic Community, wants state funding for religious communities. They also say religious groups should be exempt from paying taxes. Conversely, the coalition of Protestant communities opposes this proposal and says that, following the principle of non-discrimination, everyone should pay taxes. In general though, all religious communities agree that the government should take a pro-active role and regulate this area. The lack of clear regulations on registration and financing as well as on construction of religious sites, and creation and maintenance of graveyards are among the issues that religious communities have raised with the OSCE as major concerns.

These issues of registration and financing regulations are not mere technicalities. A weak legal framework often means a failure to protect, respect and promote freedom of religion. A weak legal framework means the right to freedom of religion is not fulfilled. And given the OSCE’s comprehensive concept of security, we recognize that the failure to uphold human rights is a significant driver of intolerance and conflict.

At the end of 2011, the government proposed amendments to the law that would help solve the registration problem. Unfortunately, the government did not consult with religious communities when proposing those amendments, and they were not well received. The OSCE held workshops in 2014 which brought together the government and religious groups to work on new amendments. The religious groups made recommendations, but the government did not accept them. The law is now on the 2015 legislative agenda, though no action has been taken so far. We are waiting to see what will happen next.

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Challenges in upholding freedom of religion go beyond the legal framework. A lack of open dialogue that would promote tolerance and understanding has been identified by all religious groups. The absence of dialogue—and the tolerance it fosters—is a primary factor contributing to hostility among different religious communities. It also contributes to discrimination, in particular against smaller communities or sub-groups that don't share mainstream viewpoints.

In 2013, the OSCE Mission in Kosovo began implementing a multi-year programme to promote inter-faith dialogue. In 2014, we conducted 22 inter-faith forums with religious leaders throughout Kosovo. Approximately 70 religious representatives representing the Islamic, Serbian Orthodox, Catholic, Protestant, and Jewish communities took part in these forums. They came up with ideas for ways to improve the situation of all religious communities. One action they took was to draft a joint letter to Kosovo institutions asking for an improved legal framework and an improved municipal approach towards the maintenance of graveyards. They sent a joint letter to the Energy Regulatory Office and the Water and Wastewater Regulatory Office asking to change the rates charged to religious communities or to exempt them from paying value added tax. They also asked the Tax Administration of Kosovo to find a way to change the classification of religious groups so that they are no longer considered business and could be exempt from paying tax on electricity, water, and garbage services.

Last year, the OSCE organized its second inter-faith conference, which brought together representatives of religious communities at the local and central levels, government institutions, the international community, and civil society. Participants acknowledged the important role religious leaders have in fostering respect and understanding between different communities and reiterated their commitment to continue engaging in inter-faith dialogue. They also identified issues of common concern where they could work together to improve the situation of religious communities in Kosovo, as well as find ways to promote tolerance and understanding.

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This year, we are focusing on improving dialogue at the municipal level. We are working to enable religious leaders to meet and share issues among each other, as well as to convey concerns to municipal officials.

For example, in Gjilan/Gnjilane, upon the initiative of the mayor, religious communities now meet municipal officials every three months to discuss issues of common concern with the municipality. One of the outcomes of these regular meetings relates to burial services. Gjilan municipality has now contracted a company to arrange burials for all religious communities. Previously, services were only provided to the Islamic community. In the Mitrovicë/Mitrovica region, religious leaders from Mitrovicë/Mitrovica South visited the Serbian Orthodox St. Demetrius Church and the Islamic graveyards in Mitrovica/Mitrovicë North.

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On the central level, we are working to formalize an inter-faith council, which would also have a secretariat as its operational support body. There has been an inter-faith council since approximately 2,000, but it only included representatives of the Islamic, Serbian Orthodox, and Catholic communities. They met only on an ad hoc basis, had no strategy, and were largely guided by the interests of the international community.

Our idea is to help religious communities establish their own mechanism and take ownership of the process, so that they can lead a coordinated dialogue with institutions. The OSCE is not here to substitute for the local stakeholders, but on the contrary to help them to act in a sustainable way.

During the inter-faith forums we organized last year, participants said that the council should be strengthened and that the Protestant and Jewish communities should be invited to participate. The council should also meet regularly and develop a plan for joint advocacy and lobbying. It was also agreed that there is a need for the creation of a permanent body to support to Inter-religious Council—a secretariat. The establishment of a secretariat was extensively discussed during the 2014 Inter-faith conference and is a joint recommendation of religious communities.

Going beyond religious leaders, we are also focusing our attention on youth. Last year, we organized a three-day youth camp with the goal of promoting and enhancing tolerance and increasing inter-faith communication. This camp provided a forum for youth to discuss different religions, identify common issues, and overcome biases and stereotypes. Participants visited different religious sites where representatives of religious communities explained the significance of the sites for their particular faith. We held a later camp for youth at which participants talked about mixed religion marriages, religious celebrations, religious clothing and symbols, and tolerance and non-discrimination. The participants also continued to meet on their own initiative in their respective regions. For example, youth from the Mitrovicë/Mitrovica region met in Mitrovica/Mitrovicë North, and discussed their joint activities to promote dialogue and tolerance. The recommendations from these the two youth camps were presented at our second inter-faith conference I mentioned earlier. One of those recommendations was to include youth in the interfaith council. We will continue to hold these forums for youth in the future.

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Now, as you know, adherents to the different religions on Kosovo often speak different languages. And this can present a challenge to communication. Our work also targets this issue.

The St. Cyril and Methodius Serbian Orthodox Seminary in Prizren is an institution with significance for communities, and for inter-community relations, particularly as it was a target of inter-community violence in 2004. However, the approximately 40 students at the seminary speak Serbian only. On the occasion of the official inauguration of the Seminary after restoration was completed in 2011, the Bishop of Raška-Prizren asked the OSCE to help address this problem. Responding to this request, in 2013 and 2014 we supported the integration of Seminary students into local town life by organising Albanian language lessons. The Seminary leadership have expressed great satisfaction with the lessons and the Albanian language teacher. And they have repeatedly stressed their eagerness to continue with the lessons.

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Coming back to where we started: the comprehensive concept of security. Our work to promote dialogue and tolerance and to improve the respect for freedom of religion has made a dramatic improvement in interfaith relations. And we firmly believe that these improved relations can only further contribute to peace and stability in Kosovo and in the region. It is this shared respect for the inherent dignity of all individuals—even those professing different faiths than one's own, and of course those professing no faith—that decreases the likelihood of conflict.