



Forum 18 www.forum18.org
The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

Freedom of religion or belief and security

Fundamental freedoms I, including freedom of thought, conscience, religion or belief - WS7

“The years following 1989 were a time of hope, and rightly so” ODIHR Director Ingibjörg Sólrún Gísladóttir reminded us on Monday, “but the challenges to human rights are growing, and we must overcome them in order to preserve our democracies and the values on which they are built”. Our Annotated Agenda notes that freedom of religion or belief (FoRB) and security are not competitors but “complementary, interdependent and mutually reinforcing objectives”. Kyiv 2013 for example “emphasizing the link between security and full respect for the freedom of thought, conscience, religion or belief”. FoRB contributes to “democracy and good governance, and to building structures of mutual respect and understanding”. As UN Special Rapporteur on FoRB Ahmed Shaheed in 2016 stated, the lack of FoRB and linked fundamental freedoms in his home country of the Maldives is directly connected with there being no independent parliament or judiciary.

“Full respect for freedom of religion or belief is at the core of the OSCE’s comprehensive concept of security”. FoRB facilitates the OSCE’s goal of genuine, stable, comprehensive security in multifaceted ways, as the *ODIHR Freedom of Religion or Belief and Security: Policy Guidance* launched today helpfully makes clear. So “disproportionate restrictions on the universal right to freedom of religion or belief threaten the stability and security of countries as well as of the wider region”.

One sad example is Uzbekistan’s reaction to Imam Fazliddin Parpiyev’s appeal to President Mirziyoyev over violations of FoRB. Religious Affairs Committee, SSS secret police, ordinary police, Prosecutor’s Office and Muftiate officials immediately threatened Imam Parpiyev. After he was fired from his post, his father forced to denounce him, and attacked by state-run TV, “I had to leave the country because I was afraid for my safety”. Similarly, the regime has identified Muslims for surveillance, warnings, and fines via state-run competitions to find those who have memorised the Koran. Torture continues to happen, with impunity for torturers including officials who on 17 April 2019 tortured Muslim prisoner of conscience Khayrullo Tursunov for six hours in an attempt to extract false testimony and ridiculed him for thinking of applying for parole. This demonstrates the need to implement human dimension commitments as “human rights and fundamental freedoms, democracy and the rule of law are at the core of the OSCE’s comprehensive concept of security” (*Maastricht 2003*).

As Dr Shaheed reminded an Armenian meeting in May, “we are talking about everyone’s right to hold religious or non-religious beliefs. We are also referring to the right to manifest one’s religion or belief; to express one’s thoughts that may be critical of religion or belief; or to simply be loyal to one’s conscience and be whoever we want to be peacefully”. FoRB violations attack deep-rooted personal identities & values, making political & social tensions more difficult to resolve & adding new conflicts.

One of the issues Imam Parpiyev raised was a ban on female students wearing a hijab. As Dr Shaheed in 2017 stressed, “the right to freedom of religion or belief and the right to equality are intimately linked”. Our Annotated Agenda reminds us that FoRB restrictions can affect men and women differently. Serious FoRB violations by participating States or with official complicity send a signal undermining social traditions giving limited protection to women - including women from smaller vulnerable groups who can face discrimination because of both their gender and their beliefs. In patriarchal Kyrgyz society, any insult or attack on women is seen as far more serious than a similar insult or attack on men. As Galina Kolodzinskaya noted “even in the Kyrgyz-Uzbek interethnic conflict in 2010 ... assailants spared women”. Yet before a church was in January 2018 burned down, young men publicly threatened Baptist women. The arson followed increasing threats and violence against smaller vulnerable groups where police openly sympathised with attackers.

Serious FoRB violations invariably take place in highly patriarchal societies where gender equality is not a lived reality, where people cannot express different identities and opinions openly, and where

the rule of law is weak. As former UN Special Rapporteur on FoRB Asma Jahangir - a Pakistani lawyer who defended women against rape and discrimination - commented: “When I am asked which [belief] community is persecuted most, I always reply ‘human beings’”.

Kazakhstan’s prisoners of conscience jailed for exercising their FoRB have included Jehovah’s Witnesses, Protestants, and an atheist. Current long-term prisoners are mainly alleged adherents of the allegedly “extreme” Muslim missionary movement Tabligh Jamaat. As UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism Fionnuala Ní Aoláin said in May on her Kazakhstan country visit, in relation to the targeting of religious and civil society groups: “The use of extremism laws against political groups and critical voices is a worrisome practice and detracts from the genuine and much-needed work globally of addressing ... terrorism challenges”. On 5 August 8 Muslims were jailed for between 5 and a half and 8 years for participating in a religious discussion group monitored by the KNB secret police.

Short 1 to 5 day jail terms have been given to Baptists who refuse to seek state permission to meet for prayer. One Baptist described how for unexplained reasons a jailer “recorded my voice, took prints from each finger and each palm, and recorded on video how I walk”. Highly intrusive surveillance also happens in relation to prosecutions of Muslims saying the word “Amen” in mosques, an Islamic spiritual practice banned by the state-controlled Muslim Board which controls all mosques. Intrusive surveillance of people of many beliefs at best wastes security resources, and undermines OSCE security as full respect for all human rights for all people maximises everyone’s security.

An issue for both FoRB and security is when officials have impunity. Contrary to Russia’s international legal obligations, no official responsible for the torture of either a Muslim following his 2015 arrest or 7 Jehovah’s Witnesses (*some of over 200 now facing “extremism” charges after their community was in 2017 banned*) in 2019 has been arrested or put on criminal trial for torture. One of the victims was re-arrested after reporting torture, and 2 of the officials implicated were given awards for “best local department head” and “best investigator”. These cases highlight the need for fair trials, not least as Muslim Yevgeny Kim was deprived of Russian citizenship and made stateless, fined, and ordered to be deported as he did not have a Russian internal passport - which had been confiscated the day before.

As former UN FoRB Rapporteur Heiner Bielefeldt repeatedly stressed, we should focus on the freedom in “freedom of religion and belief” as an empowering freedom essential for everyone’s freedom and security. The challenge we face is this: how can we foster genuine security, by giving everyone what the *OSCE ODIHR/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities* calls “the dignity they deserve as members of the human family”.

So participating States, OSCE institutions and field operations, and civil society could:

- monitor and analyse in concrete terms violations of everyone’s FoRB and interlinked freedoms of expression, assembly and association - including using an inclusive gender perspective;
- mainstream FoRB work within an all human rights for all perspective, stressing implementation of all fundamental freedoms, including to be free from torture;
- insist in line with human dimension commitments¹ that the non-negotiable most effective step to ensure security is to fully implement fundamental freedoms commitments;
- challenge the misuse of concepts such as “anti-terrorism”, “extremism”, “religious tolerance”, and “dialogue” to disguise human dimension commitment violations;
- use tools such as the *ODIHR Freedom of Religion or Belief and Security: Policy Guidance*², the *OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association*, the *OSCE Guidelines on Freedom of Peaceful Assembly*, and on the *Protection of Human Rights Defenders*³, and the *EU Guidelines on the promotion and protection of freedom of religion or belief*⁴.

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¹ FoRB human dimension commitments available at http://www.forum18.org/archive.php?article_id=1351

² Policy Guidance available via <http://www.osce.org/odihr/freedom-of-religion-or-belief>

³ All OSCE Guidelines available via [http://www.osce.org/resources/publications/Guidelines%20Belief?filters=+im_taxonomy_vid_22:\(464\)&solrsort=score%20desc&rows=50&category=Publications](http://www.osce.org/resources/publications/Guidelines%20Belief?filters=+im_taxonomy_vid_22:(464)&solrsort=score%20desc&rows=50&category=Publications)

⁴ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137585.pdf