



ADF INTERNATIONAL

**Working Session 12: Fundamental freedoms I (continued), including freedom of thought, conscience, religion or belief**

*As delivered by Laurence Wilkinson<sup>1</sup>  
ODIHR-OSCE: 2016 Human Dimension Implementation Meeting  
Warsaw, Poland: 27 September 2016*

ADF International welcomes the OSCE's commitment to ensuring respect for freedom to thought, conscience, religion and belief throughout the participating States.

Inherent in the concept of a pluralistic, inclusive and democratic society is the idea that the public square can be populated by people holding diverse viewpoints, beliefs and moral convictions.

This was recently confirmed by Frans Timmermans, the first Vice-President of the European Commission in charge of Fundamental Rights, who stated in the context of the ongoing dialogue with churches, religions, philosophical and non-confessional organizations<sup>2</sup> that 'living together means being able to manage differences, even when we fundamentally disagree.'<sup>3</sup> Being able to 'disagree well' and fostering a mutual understanding of each other is an indispensable element of a democratic society.

Article 18 of the International Covenant on Civil and Political Rights enshrines the right to freedom of thought, conscience and religion, and was expounded on by the UN's Human Rights Committee in 1993 in the issuance of General Comment Number 22. It is noteworthy that in General Comment Number 22, the Human Rights Committee stressed the fundamental character of these freedoms, which was reflected in the fact that Article 18 could not be derogated from, even in a time of public emergency.

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<sup>1</sup> Legal Counsel, ADF International.

<sup>2</sup> The Dialogue is based on article 17 of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community. See Consolidated Version of the Treaty on the Functioning of the European Union [2012] OJ C326/47

<sup>3</sup> European Commission, 'Commission brings together non-confessional organisations to discuss "Living together and disagreeing well"' (Press Release Database, 2 June 2015) <[http://europa.eu/rapid/press-release\\_IP-15-5078\\_en.htm](http://europa.eu/rapid/press-release_IP-15-5078_en.htm)> accessed 3 March 2016

It follows therefore that States must refrain from validating and legitimizing certain beliefs, to the exclusion of others. Russia has recently introduced a law with provisions specifically targeted at, and significantly affecting, missionary activity and freedom of religion or belief more generally.<sup>4</sup> Such legislation is likely to have a profound chilling effect on freedom of religion or belief.

Key to the interrelationship between freedom of religion or belief and security is forbearance on the part of participating States from compelling citizens to act in a manner that goes against their deeply held religious, moral, ethical or philosophical beliefs.

**ADF International therefore strongly urges participating States to robustly safeguard not just the right to hold different beliefs, but also the right to live out those beliefs.**

**ADF International further urges participating States to refrain from compelling individuals to engage in activity that is in serious conflict with their genuinely-held religious or other convictions, so as to force them to act against the dictates of conscience.**

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<sup>4</sup> On 6 July 2016, President Putin signed a new counter-terrorism law, Federal Law of 6 July 2016, N 374 – FZ, ‘On Amendments to the Federal Law on Counterterrorism and Certain Legislative Acts of the Russian Federation as concerns the Introduction of Additional Measures to Counter Terrorism and Guarantee Public Security’. It came into force on 20 July 2016.