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Intervention at the OSCE Human Dimensional Meeting: OSCE Commitments

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Compare against recording

Distinguished delegates and fellow civil society members,

I first thank member states and ODIHR for demonstrating their commitments to religious liberty with the special focus on this fundamental freedom today.

The freedom of religion or belief is truly the cornerstone freedom for democratic governance. Not only is this right founded in the dignity of man, but it also acts as the foundation for all other human rights. If the right to express one's beliefs is taken away, freedom of speech and freedom of association are sure to disappear as well. Correlations have even been established between religious freedom and economic freedom around the world.¹

Thankfully, the OSCE has been at the forefront of the protection of this fundamental right. The initial commitment to the protection of religious liberty in the 1975 Helsinki Final Act laid a strong framework for the mechanisms of this body to encourage member-states to uphold their commitments to the freedom of religion or belief. The creation of the Advisory Panel is one example of a way in which the OSCE has made concrete tools available for member states who may have questions about the implementation of religious freedom in their countries.

Nonetheless, OSCE countries continue to face serious challenges in the implementation of their commitments. The most difficult challenge has come in the form of registration laws. While a registration process for religious institutions is not inherently a violation of religious

¹ Brian Grim, "God's Economy: Religious Freedom & Socio-Economic Wellbeing," Pew Forum on Religion and Politics.

freedom, it has become all too common for states to abuse the registration process for the purpose of controlling or limiting religious practice.

Especially amidst the current War on Terror, national security has become an excuse for governments to restrict religious freedoms. I will point out here that national security is actually not a condition that warrants restriction of religious freedom according to international instruments. Rather, restrictions are permitted when they are established by law and are *necessary* to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.² We have seen particularly troubling registration laws enacted in Uzbekistan, Turkmenistan, Tajikistan, and Azerbaijan, with another troublesome law pending in Kazakhstan.

Another disturbing trend that can be seen in the OSCE region is the proliferation of limitations put on the free expression of religion and belief. Restrictions on speech and dress are the most commonplace of such limitations. Dress restrictions such as the banning of the headscarf in Turkey, France, and Tajikistan are direct violations of the right to manifest one's religious beliefs. Speech restrictions such as "defamation of religion" measures and restrictions on proselytism also limit the expression of beliefs. Such restrictions on peaceful language and dress often work against the professed goal of respect and toleration. Instead, religious groups are discriminated against, isolated, and even driven to radicalization as they are driven out of the public square on account of their desire to share and express their faiths.

Our recommendation to the OSCE is first to continue to provide the advisory panel of experts with the resources it needs to help member states fulfill commitments to religious freedom.

Second, we recommend that countries seek out the advice of the advisory panel in an effort to reform registration laws that may be impeding the full enjoyment of religious freedom.

Finally, OSCE countries should recognize the importance of a free market of peaceful ideas and beliefs. Accordingly, limitations on the free expression of religion or belief should be repealed.

Thank you.

² See ICCPR Article 18(3).

³ The Becket Fund is an interfaith public interest law firm protecting the religious expression of people of all faiths.