

## COMPILATION OF WRITTEN RECOMMENDATIONS

*(Covering Working Sessions 12-13)*

*This compilation contains recommendations submitted to the HDIM Documentation Centre in accordance with the established procedure. The compilation is organized by Working Sessions and by what was submitted by Delegations / International Organizations / NGOs to participating States and, separately, to OSCE Institutions / Field Missions or other International Organizations. Recommendations are compiled in original language.*

**Please note that the deadline for submitting Recommendations to the HDIM Documentation Centre is Thursday, 09 October 2008.**

**Tuesday, 7 October 2008**

**WORKING SESSION 12 (specifically selected topic): Freedom of religion or belief**

*Recommendations to participating States:*

### **Associazione “Dossetti: i Valori” Observatory for Religious Freedom and Tolerance**

- to follow-up the Cordoba and Bucharest Conferences by convening in 2009 a Conference at appropriate level to examine in a balanced way intolerance and discrimination against Christians, Jews, Muslims and members of others religions in the OSCE area, within the realm of existing commitments.
- to fully respect and guarantee the religious freedom through the compliance with all the OSCE commitments in the area of this freedom and urge the ODIHR to pay attention to the effective implementation of the OSCE commitments to fight discriminations against Christians and to ensure the religious freedom in the whole OSCE Region.

### **The Congress of National Minorities of Ukraine NGO**

- to draw attention of Ukrainian government to Toledo guidelines on teaching about religion. The best practices of intercultural interreligious programme “Source of Tolerance” can be used as well to teach about religious diversity and ethic norms of different religious at schools.

### **FOREF Europe - Forum for religious freedom Europe NGO**

- We appeal to the French government to stop its massive sponsorship (over 90%) of the European Anti-Cult organisation FECRIS.

### **Human Rights Without Frontiers International NGO**

To Kazakhstan, Uzbekistan, Kyrgyzstan and Tajikistan

- to adapt their legislation to the OSCE standards guaranteeing freedom of association and assembly;

To Russia

- to protect freedom of assembly of religious groups as guaranteed by the OSCE standards and the European Court decision in the case *Kuznetsov v. Russia*, and to prosecute the law enforcement agents disrupting peaceful religious meetings;

To Ukraine

- to cooperate with specialized human rights organizations in their dealings with newly settled religious groups and to eradicate intolerant statements from their school text-books.

### **Institute on Religion and Public Policy NGO**

- We strongly urge the OSCE member states to reconsider Kazakhstan's chairmanship in 2010 unless the Kazakh government revises the draft law to be in compliance with OSCE guidelines concerning religious freedom.

### **The Netherlands Helsinki Committee NGO**

- to respect international human rights guarantees for freedom of religion or belief with regard to all peaceful activities regardless of the status of registration of the community conducting them and irrespective of faith;
- to ensure equal treatment to all religious communities, and equal protection against acts of discrimination, harassment, hate speech, destruction of property, and violence, promptly investigate such acts and bring to justice those responsible for them;
- to exercise strenuous caution when invoking national security reasons in order to regulate religious activities so as to ensure that international standards for religious freedom are not violated.

To Turkmenistan

- to continue efforts to bring the country's legislation and practices in conformity with its international commitments and to remove all restrictions for the peaceful exercise of religion or belief;

To Kazakhstan

- to withdraw the restrictive draft bill on religious activities currently under debate, to carefully review it in light of international standards and in negotiation with local minority religious communities, and to amend it in accordance with advice provided by experts of ODIHR;

To Belarus

- to remove from legislation pertaining to religious activities all references to preferential status of any religious community and to review all legal provisions and regulations on religion, including regulation no. 123 of January 2008, in light of OSCE and other international standards;

To Russia

- to take a firm stand against discrepancies between federal and regional laws, ensure that they are in conformity with international standards and react promptly to any arbitrary interpretation by authorities that violate Russia's international commitments with regard to freedom of thought, conscience, religion and belief;

To Bulgaria

- to make publicly clear that discriminatory and violent acts against representatives of minority religions are not tolerated, and to engage in information campaigns to promote religious tolerance;

To Serbia and Macedonia

- to respect the existence of different traditions and practices within religions and lift all legal restrictions on the registration of their representatives as legal entities; and to treat all religious communities on an equal footing, refraining from any interference in affairs that concern solely their internal affairs.

### **The Norwegian Helsinki Committee**

- urges Kazakhstan to reconsider its draft legislation in light of input from the OSCE/ODIHR and the Venice Commission

### **The Becket Fund for Religious Liberty**

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.
- 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.

### **European Humanist Federation**

- Governments should not uncritically assume that the churches represent even their congregations, let alone all those who from inertia adopt a religious label when asked.
- Governments owe duties to **all** their citizens, and if (for example) a restriction of freedom is advocated by a religious majority on the basis only of religious doctrine, not prudential argument, then the Government must look to the rights of the rest of the population.
- Governments should take care not to give religious groups a privileged position in the state for historic or political or other reasons.

### *Recommendations to the OSCE:*

#### **Associazione “Dossetti: i Valori” Observatory for Religious Freedom and Tolerance**

To ODIHR:

- to continue to monitor and report the recurring episodes of intolerance and discrimination against Christians, not only East by also West of Vienna.

#### **Coordination des Associations et Particuliers pour la Liberté de Conscience**

To OSCE Personal Representative on Combating Racism, Xenophobia, and Discrimination against Christians and Members of Other Religions

- Request OSCE Chair-in-Office Personal Representative on Combating Racism, Xenophobia, and Discrimination against Christians and Members of Other Religions to

visit France and closely monitor the activities of MIVILUDES and its new President to ensure that their actions comply with religious freedom and tolerance in accordance with the Helsinki Accords.

### **FOREF Europe - Forum for religious freedom Europe NGO**

- Appeals to separate religious freedom & Human Rights should never be taken into serious consideration, since this would pervert the very foundation of human rights.
- calls on the OSCE/ODIHR to investigate the recent appointment of Mr. Georges Fenech (who is a former MP) to the position of president of MIVILUDES (governmental organisation to observe “sectarian deviations”). He is known for his extremist positions regarding religious minorities and makes no secret of his desire to see the French approach to be extended to all of Europe.
- We ask the OSCE to appeal to the Austrian Government (Ministry of Education & Cultural Affairs) to grant full recognition to the Jehovah’s Witnesses and to repeal the discriminating 1998 Act on the Legal Status of Registered Confessional Communities.

### **The Norwegian Helsinki Committee**

- In order to strengthen dialogue between OSCE Participating States on how to implement their commitments, ODIHR could facilitate contacts and dialogue between limited groups of states with similar challenges. Kazakhstan and other Eastern states with non-traditional religious minorities could discuss legislative and policy issues with Western states with Muslim or other non-traditions religious minorities.

### **Soteria International**

To OSCE/ODIHR

- to monitor the MISA case developments in Romania.

**Tuesday, 7 October 2008**

### **WORKING SESSION 13 (specifically selected topic): Freedom of religion or belief (continued)**

#### *Recommendations to participating States:*

### **European Association of Jehovah’s Christian Witnesses**

- We appeal to the Moldavian authorities to put an end to the discrimination inflicted to Jehovah’s Witnesses and to find a constructive solution through a frank dialogue with our community in Moldova.

### **Forum 18**

Some human rights defenders, and those who experience violations of freedom of thought, conscience and belief, have told Forum 18 that helpful existing approaches include:

- Understanding fundamental rights and freedoms holistically, as the *Guidelines on Freedom of Peaceful Assembly* recommends. Violations of human rights are not just attacks on particular people or communities, but attacks on the fundamental rights and freedoms of all people.
- Participating States insisting that politically binding human dimension commitments are for implementation by all participating States. This particularly applies to the Chairman-in-Office.
- Supporting those who uphold and exercise fundamental freedoms such as freedom of religion or belief – for this fulfils the OSCE aim of increasing security.

#### **SOVA Center for Information and Analysis**

- To define more precisely the wording of the legislation on incitement to hatred, so that any prosecution of intolerance towards someone else's views as such and especially of blasphemy could not be possible. Or to accept supplementary interpretation from the institution authorized to give interpretations of the legislation.
- To consider as a disciplinary infraction any statements of the state officials when they concern the essence of a religion.

#### **Becket Fund for Religious Liberty**

- Blasphemy laws and overbroad speech laws that criminalize peaceful speech should be repealed by member states, and reporting mechanisms for religious discrimination should be established at the national and international levels. If respect between religions is the goal, recognition of differences as well as similarities is essential, in order to recognize differences, conflicting truth claims must be allowed to exist.
- Member States should diligently examine current legislation to ensure that government legislation regarding the freedom of religion or belief is promoting and protecting this fundamental freedom, not limiting it.

#### **Soteria International**

- recommends the protection of the spiritual human rights from other interests by consulting experts in the field to value the spiritual consequences of suggested legislations, thus integrating the spiritual expertise as a part of the solution rather than an apparent problem through alienation.

#### *Recommendations to the OSCE:*

##### **Church of Scientology International**

- **Our first recommendation** is to widen the mandate of the Panel of Experts so that it can determine its own priorities and make public (or private) pronouncements on activities of religious intolerance or discrimination that is brought to its attention.
- the OSCE has instituted a system of Special Assistants to the Chairman-in-Office to deal with a range of subjects relating to religious freedom. This is an excellent initiative, but the Assistants are part-time and have a very heavy work load. Funding should be provided to provide full time staff for the Special Assistants.

- **Our second recommendation** is that a complaint procedure should be created so that concerned religious groups, their members or NGOs would be able to lodge a religious discrimination complaint against OSCE states for investigation and remediation by the Special Assistants.
- **Our third and final recommendation** is that a High Commissioner for Human Rights be established with a mandate over all OSCE religious issues. This position would be similar to and complement the OSCE High Commissioner for Minorities.

### **SOVA Center for Information and Analysis**

To OSCE/ODIHR:

- To elaborate reference manuals for Mass Media (suitable also for the officials) on the traditions and the current trends of Islam in the countries with considerable Muslim population. These manuals, of course, should be elaborated with participation of the local experts.

### **Becket Fund for Religious Liberty**

- The OSCE, the UN, and other regional and international bodies should take measures to reaffirm the right to freedom of religion or belief, including the right to profess and manifest that belief in the public square.
- A distinction should be made between peaceful critical speech and speech meant to incite religious violence.
- We recommend that the Advisory Panel of Experts look closely at these three issues so that they can properly advise states during the drafting of relevant legislation