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OSCE Human Dimension Implementation Meeting Warsaw, 10 - 21 September 2018

EU statement – Working Session 7: Fundamental freedoms I, including freedom of thought, conscience, religion or belief

Madam Moderator,

The EU attaches the greatest importance to the promotion and protection of freedom of thought, conscience, religion or belief as a fundamental human right and has made it one of the priorities of its human rights foreign policy. The EU Foreign Affairs Council adopted specific Guidelines in June 2013 which contain clearly defined priorities and tools for the promotion of Freedom of Religion or Belief worldwide, including within the EU.

With these Guidelines, the EU reaffirms its determination to promote freedom of religion or belief as a right to be exercised by everyone everywhere, based on the principles of equality, non-discrimination and universality.

In doing so, the EU focuses on the right of individuals, to believe or not to believe, and, alone or in community with others, to freely manifest their beliefs including the right to change one's religion or belief or to renounce it. The EU does not consider the merits of the different religions or beliefs, or the lack thereof, but ensures that the right to believe or not to believe is upheld.

The European Union is therefore deeply concerned by the reports of continued systematic persecution of Jehovah's Witnesses in Russia, including police raids of private homes, intimidation, arbitrary detentions and criminal prosecution. As we have stated previously in many other occasions, all people, including members of the Jehovah's Witnesses, must be able to peacefully enjoy freedom of religion or belief as well as freedom of assembly without discrimination, as guaranteed by the Constitution of the Russian Federation and Russia's international commitments.



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Our recommendations are:

- Participating States should fulfil their commitments by facilitating groups, associations and communities built upon religious and/or non-religious beliefs to peacefully operate and publicly manifest their beliefs, and respecting their autonomy. We underline the importance of establishing fair and clear rules and procedures which do not infringe upon OSCE commitments and international human rights standards, as outlined in the OSCE/ODIHR “Guidelines on the legal personality of religious or belief communities”.
- States have an obligation to guarantee human rights protection, and to exercise due diligence to prevent, investigate and punish acts of violence against persons based on their religion or belief. Violence or the threat thereof – such as killing, execution, disappearance, torture, sexual violence, abduction and inhuman or degrading treatment – are widespread phenomena that have to be addressed.
- We assert that violence against persons, groups or communities, and against the right of individuals to freedom of thought, conscience, religion or belief, is unacceptable under any circumstances, and strongly encourage state and other influential actors in a society, whether religious or not, to speak out against acts of violence and to publicly denounce such acts at the highest level.
- The promotion of religious tolerance, respect for diversity and mutual understanding are of utmost importance with a view to creating an environment conducive to the full enjoyment by all persons of freedom of religion or belief. The EU calls on states to promote, through the educational system and other means, respect for diversity and mutual understanding by encouraging a wider knowledge of the diversity of religions and beliefs within their jurisdiction.
- States have a duty to protect all persons within their jurisdiction from direct and indirect discrimination on grounds of religion or belief, whatever the reasons advanced for such discrimination. This includes the duty to rescind discriminatory legislation, implement legislation that protects freedom of religion or belief, and halt official practices that



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cause discrimination, as well as to protect people from discrimination by state and other influential actors, whether religious or non-religious.

- States must fight against violations of freedom of religion or belief in an inclusive manner, whereby avoiding any discrimination in favour of the detriment of a particular religion or belief.
- Freedom of religion or belief and the freedom of expression are interdependent, interrelated and mutually reinforcing rights. Taken together, freedom of religion or belief and freedom of expression play an important role in the fight against all forms of intolerance and discrimination based on religion or belief. We highlight the positive role that free and independent media can have on preventing the increase of bias and prejudice based on religion and in promoting mutual respect and understanding, including through specific educational and awareness-raising programmes.
- We stress the important role of political leaders, elected and state officials, as well as civil society and religious leaders, in denouncing in a clear and timely manner public manifestations of intolerance based on religion or belief.
- Freedom of religion or belief is also an essential pillar of safe and peaceful societies. It is linked to freedom of opinion and expression, to freedom of association and assembly, without which there can be no freedom of religion or belief, as well as other human rights, and fundamental freedoms, all of which contribute to the establishment of pluralistic, tolerant and democratic societies. Conversely, violations of freedom of religion or belief are often early warnings of potential tensions or conflicts.
- We are concerned about the persistence of cases of violations of freedom of religion or belief in the OSCE area. These violations, whether committed by state or non-state actors, may take various forms: acts of discrimination or violence on the basis of religion or belief or committed in the name of religion, undue restrictions on freedom of religion or belief. Restrictions often imposed by States include the denial of legal personality to religious or belief communities, denial of access to places of worship, assembly and



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burial, repression of unregistered religious activities, the outright banning of a religion on the pretext of the fight against terrorism or extremism.

- We encourage the OSCE countries to invite UN Human Rights Special Procedures, particularly the Special Rapporteur on Freedom of Religion or Belief, and to accept and implement UN recommendations, including from treaty monitoring bodies and the Universal Periodic Review.
- We encourage the ODIHR to address the issue of freedom of religion or belief, including its connection to the issue of tolerance and non-discrimination, in the framework of its wider work on the fight against all forms of intolerance and discrimination.
- We support the promotion of opportunities for an open dialogue among representatives of religious and non-religious groups and policy makers on all relevant issues.
- We express our full support for the work of the ODIHR and its Advisory Panel on Freedom of Religion or Belief, which provides legal support to participating States in the implementation of their OSCE commitments. We also encourage cooperation between the OSCE, the Venice Commission, the Council of Europe and the United Nations Special Rapporteur on freedom of religion or belief.

Thank you.

The Candidate Countries the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO* and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, and the EFTA countries ICELAND, LIECHTENSTEIN and NORWAY, members of the European Economic Area, as well as GEORGIA align themselves with this statement.

* The Former Yugoslav Republic of Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.