

USCIRF Comments at the OSCE Panel of Experts on Religion or Belief Workshop
"Promoting Tolerance and Ensuring Rights of Religion and Belief"

OSCE Cordoba Meeting

June 9, 2005 (1:30-3:00) Sala Julio Romero de Torres, Congress Palace

I appreciate the opportunity to speak at this OSCE workshop and I would like to commend the Panel's valuable work in the important field of promoting freedom of religion or belief. I would like to begin with a brief description of the United States Commission on International Religious Freedom (USCIRF) on which I have the honor of serving.

The Commission is an independent U.S. federal government agency created by the International Religious Freedom Act of 1998 (IRFA). The Commission monitors religious freedom in other countries and advises the President, the Secretary of State and Congress on how best to promote this issue. The Commission is the world's first government body with a mandate to review and report on violations of the internationally guaranteed right to freedom of religion and belief worldwide. By providing reliable analysis, information and policy recommendations, the Commission helps provide the U.S. government and the American people with some of the needed tools to advance religious freedom and related human rights throughout the world.

I would now like to propose some specific steps the Commission believes that the OSCE participating States should undertake to honor OSCE commitments to respect religious freedom and to combat religious, ethnic or other types of discrimination.

OSCE states should live up to their commitments to combat discrimination and intolerance, in accord with the 1990 OSCE Copenhagen Document. These should include adopting laws to protect against incitement to violence based on discrimination, including anti-Semitism, and providing the individual with effective remedies to initiate complaints against acts of discrimination.

Anti-Semitic and extremist rhetoric emanating from some intellectual circles that goes uncontested by political and societal leaders has promoted an atmosphere of intolerance towards Jews and members of other ethnic and religious minorities. The problem is widespread. When burnings, beatings and other acts of violence are directed against a group because of who they are and what they believe, such violent acts should not be viewed merely as police problems, but as human rights violations.

OSCE states should undertake all appropriate steps to prevent and punish acts of anti-Semitism, including public and specific condemnation of anti-Semitic acts, the pursuit and prosecution of the perpetrators of violent anti-Semitic acts, and, while vigorously protecting freedom of expression, to consistently denounce anti-Semitic rhetoric and other organized anti-Semitic activities.

OSCE states should pursue and prosecute violent acts directed against Muslims and should publicly and specifically condemn hostile rhetoric against Muslims and the Islamic faith. States should recognize that such hostile rhetoric is fueling an atmosphere in which perpetrators believe they can attack Muslims with impunity. Freedom of expression must be vigorously protected, but states should respond to discrimination and violent acts against Muslims with firm words and actions.

OSCE states should undertake a regular public review of state compliance of OSCE commitments on freedom of religion or belief, anti-Semitism and other types of discrimination. In addition, they should facilitate active NGO monitoring work in this field.

OSCE states should end the practice of withholding or denying registration to religious groups and then erecting obstacles to religious practice due to that unregistered status. Those OSCE states that have passed laws that actually criminalize unregistered religious activity, such as Uzbekistan, Turkmenistan and Belarus, should revise their laws so that they meet OSCE commitments.

While recognizing the government's duty to protect its people from violence and terrorism from whatever source in the OSCE region, OSCE states should discontinue the excessive regulation of the free practice of religion or the restriction of the rights of religious minorities, especially in Russia and Kazakhstan.

Registration requirements and procedures – which are widespread in the OSCE region -- should be reviewed and, if necessary, adjusted to ensure that decisions are timely, non-discriminatory, and facilitate – rather than restrict – freedom of religion or belief. Georgia provides a recent example of a government that has amended existing laws on association so as to provide legal personality for religious groups, rather than adopting separate legislation on religious associations and activities.

The OSCE, the Office of Democratic Institutions and Human Rights (ODIHR) and the OSCE Field Missions should work with the governments of OSCE states to ensure that steps are taken to bring their practice in line with OSCE commitments. The Uzbek government should be urged to respond to the recommendations on its laws on religion issued by the Panel of Experts in June 2003.

Security threats do exist in Uzbekistan, including from members of *Hizb ut-Tahrir* and other groups that claim a religious linkage, but these threats do not excuse or justify the scope or harshness of the government's ill treatment of religious believers. The Uzbek government should be urged to adopt a timetable of specific steps to improve conditions or freedom of religion or belief and observe international standards. Such steps should include: 1. Establishing a review mechanism and releasing persons imprisoned solely because of their religious beliefs, practices or choice of religious association; 2. ending torture; 3. halting the arrest and detention of persons due to their religious beliefs, practices or choice of religious association; 4. ensuring that every religious prisoner has access to his or her family, to adequate medical care and to legal representation, and 5. allowing all prisoners to practice their religion while in detention to the fullest extent compatible with the specific nature of their detention.

The ODIHR and the Panel of Experts should continue its important work to urge the repeal of repressive religion laws in OSCE states and to assist in the drafting of new religion laws. ODIHR should also provide advice to states to undertake a review of cases of detention or imprisonment as described above. OSCE states should implement the Panel's recommendations. ODIHR and the Panel should be given the appropriate resources to enable it to continue this work.

Christianophobia has also been addressed during this conference. Government hostility, disrespect or ridicule towards any religion undermines genuine religious freedom. I would like to stress that governmental respect for religious freedom or belief is key element of human rights, but also is an essential component for building peaceful, democratic and stable societies.