

Forum 18 News Service <http://www.forum18.org>*The right to believe, to worship and witness**The right to change one's belief or religion**The right to join together and express one's belief****Working Session 14 - Implementation of tolerance and non-discrimination commitments***

In the Astana Commemorative Declaration in Kazakhstan, Heads of State or Government of participating States reaffirmed that "the OSCE's comprehensive and co-operative approach to security, which addresses the human, economic and environmental, political and military dimensions of security as an integral whole, remains indispensable. Convinced that the inherent dignity of the individual is at the core of comprehensive security, we reiterate that human rights and fundamental freedoms are inalienable, and that their protection and promotion is our first responsibility."

Kazakhstan has since undermined the OSCE's goal of comprehensive security by - among other violations of its commitments - passing two laws seriously restricting freedom of belief. The state's enforcement of these laws has - among many other violations - seen it halt meetings for worship of many faiths from Methodists to Muslims. Every religious community of every faith must apply for state permission to exist by 25th October - a flagrant violation of Kazakhstan's human dimension commitments and the Astana Commemorative Declaration. The two new laws are part of wider state attempts to control society, a point made at this HDIM by, among others, human rights defender Yevgeniy Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law.

Kazakhstan's government claims it promotes religious tolerance, via such things as its well-funded so-called 'Congresses of leaders of world and traditional religions'. The reality is different. At the same time as the two laws severely restricting religious freedom were being passed, officials and state-funded NGOs were holding public meetings and media campaigns praising so-called 'traditional religions' and attacking so-called 'non-traditional religions'. As an Ahmadi Muslim, who wished to remain unnamed for fear of state reprisals, told Forum 18 this campaign was designed to "prepare the public for a discriminatory new law". These attacks on so-called "non-traditional" beliefs have continued. The Military Affairs Directorate of one Almaty district wrote to religious communities ordering them to "provide information on citizens on record as followers of non-traditional religions and radical religious views". But the military officials were unable to explain what these views were when asked by Forum 18.

Words about tolerance and inter-religious dialogue can disguise violations of commitments. Azerbaijan's President Aliyev, at the state-initiated 'World Forum on Intercultural Dialogue': "it is already a fact that there is a high level of ethnic and religious tolerance in Azerbaijan, and it is the source of our strength". "Freedom of religion, freedom of conscience have been fully established in Azerbaijan," he claimed. As the President spoke, Sunni Muslims and Protestant Christians in Gyanja were being banned from meeting, riot police being deployed against one congregation.

Apologists for these governments try to ignore or downgrade the contradiction between allegedly promoting tolerance, and directly attacking the rule of law and fundamental human rights such as the freedoms of religion or belief, peaceful assembly, and association.

The Kazakh state delegation unintentionally underlined the interlocking nature of rights and freedoms in the opening plenary session, by praising the Olympic success of Irish boxer Katie Taylor as a triumph for gender equality. In Ireland she is well-known as a Pentecostal Christian. Were she from Kazakhstan she would have experienced Pentecostals coming under state-backed media attacks for exercising their freedom of religion or belief. She might even herself have experienced state violence. Officials violated freedom of association last October in raiding a meeting of a Pentecostal church which had gathered outside its legal address, against the Religion Law. However, the secret police had stopped the church meeting at its legal address. During the raid a 17-year old woman was hit by a policeman, leaving her unconscious. No action seems to have been taken against the policeman responsible, even though a Public Prosecutor's Office official was a witness. Pentecostals' and others' right to freedom of expression have also been violated by the confiscation of books and DVDs for censorship.

In Russia, many criminal and administrative cases against religious communities "take place with violations of the right to freedom of conscience", as Mikhail Odintsov, the top official dealing with freedom of religion or belief at the office of Russia's Human Rights Ombudsperson, told Forum 18 in 2011. He regards these cases as "one complex of measures against religious communities". Such cases continue, for example the very many "extremism"-related cases against Muslims who read the works of Said Nursi, as well as against Jehovah's Witnesses. Pentecostal Pastor Aleksandr Kravchenko became the first religious leader in Russia known to have been fined at the higher level for holding a religious service since fines for violating the Demonstrations Law were raised in June. The large fine followed a police raid as part of "anti-extremism" measures. Objections that there was no need to notify the authorities of the services, as they have been held at the same venue for two years, were ignored. In the Russian region of Adygea, the FSB security service ordered prosecutors to close a Muslim prayer room, while Muslims in two other locations faced warnings that their Eid-ul-Fitr ceremonies in rented premises needed to conform to the Demonstrations Law.

Places of worship are also threatened. In Moscow, one of just two new mosque sites approved in early September was withdrawn on 20 September after street protests. Pastor Vasily Romanyuk might be prosecuted for leading Sunday worship on the site of his church bulldozed at midnight last month. As UN Special Rapporteur on Freedom of Religion or Belief Professor Heiner Bielefeldt has observed, "attacks on places of worship ... violate the rights of not only a single believer, but also the group of individuals forming the community attached to the place in question".

Article 14.2 of the Russian Constitution states: "Religious associations shall be separated from the State and shall be equal before the law". Yet in 2010 a secularist group's application to advertise Article 14.2 on Moscow billboards was rejected by the municipal authorities as 'provocative'.

As these examples demonstrate, splitting consideration of freedom of religion or belief violations three ways - into Muslims, Jews, Christians and others - fails to grasp the reality and seriousness of violations. This is especially the case when violations - which would when carried out by non-state actors be hate crimes - are carried out by participating States themselves. Phobia language is similarly problematic. Both approaches assist those with biased agendas who do not present the reality of the situations they purport to describe. These approaches also encourage negative stereotyping and discourage the positive approach our annotated agenda calls for: "all actors need to co-operate and build networks in order to combat intolerance and discrimination." Indeed, many followers of religious and philosophical traditions - including Judaism, Islam, Christianity and beliefs such as atheism - insist that their beliefs require them to defend the dignity of all people with no exceptions.

Splitting freedom of religion or belief three ways is rather like the kind of absurdity that would see election observation missions having three entirely isolated groups of observers: for those who vote for governing parties; for those who vote for opposition parties; and for those who do not vote.

Indeed, phobia language and splitting freedom of religion or belief issues three ways risks caricaturing the reality that participating States, in the OSCE region the worst violators of human rights, normally target followers of any religion or belief which they see as outside their control - not just the followers of one religion or belief. Not to recognise this is to deceive oneself about the reality of the world. As former UN Special Rapporteur on Freedom of Religion or Belief Asma Jahangir commented: "When I am asked which community is persecuted most, I always reply 'human beings'".

To assist implementation of human dimension commitments, recommendations for participating States and OSCE institutions would include:

- freedom of religion or belief violations to be seen not only as attacks on particular people or communities, but also as attacks on the fundamental rights and freedoms of all people;
- insisting that the politically binding human dimension commitments are for implementation by all participating States;
- OSCE institutions and field operations mainstreaming the fundamental human right of freedom of religion or belief for all and its related human rights in human dimension work;
- and participating States implementing in full legal reviews and opinions provided by the Venice Commission and the OSCE/ODIHR Advisory Council of Experts on Freedom of Religion or Belief.

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