United States Mission to the OSCE

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Freedom of thought, conscience, religion or belief

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I am honored to address this body as a public member representing the United States on religious freedom. I am an American Muslim living in Los Angeles, and President of the Muslim Public Affairs Council.

Regarding religious freedom, in the 1975 Helsinki Final Act, the participating States recognized that freedom of thought, conscience, religion or belief is dependent on an individual's ability to profess and practice that belief *"alone or in community with others."* Indeed, when religious liberties are restricted, other fundamental freedoms – for example, freedoms of speech, assembly, and association – are restricted at the same time.

When we think of religious liberties, we often also think of minorities – there are many pockets of the OSCE region where an ethnic minority is also a religious minority. And we should all feel a sense of responsibility to work for equal opportunity and non-discrimination of religious communities. In the United States, we mourn the early August killings of Sikhs at a temple in Oak Creek, Wisconsin. We continue to combat manifestations of hate that include anti-Muslim and anti-Semitic sentiments.

Let me state how I see the situation of Muslims as a religious minority in America. Yes, hate and bigotry exist in the United States just as they exist throughout the world and we are challenged daily. And yet, the United States strives to ensure that people of all beliefs—Christian, Muslim, Jewish, Hindu, Sikh, Buddhist and others—are able to worship freely and express their beliefs without fear of persecution. The U.S. government intervenes to ensure freedom of religion when discrimination against a religious community is committed and seeks to punish those who use violence as a recourse to defend their beliefs. Much like the Prophet, who established religious pluralism in his society when he stated, "the Jews are a community alongside the Muslims," we feel that America strives for the ideal of religious pluralism, where Muslims represent a thriving community alongside other religious communities.

Hate speech that intends to degrade, intimidate or incite violence against someone based on religion is harmful. The best way to counter hatred is to defy it through convincing arguments, good actions and open debate. Human rights protect individuals, not abstract ideas or social norms. Religious symbols do not need governments or international bodies to defend them. The reaction to hatred can lead to other oppressive measures, such as blasphemy laws, inevitably violating human rights of religious minorities and vulnerable segments of societies. The loose

and unclear language of these laws provide a context in which governments can restrict freedom of expression, thought, and religion, resulting in devastating consequences for those holding religious views that differ from the majority religion, as well as for adherents to minority faiths. Much can be done to fight hatred without restricting speech, or prohibiting the "defamation of religion"; governments should condemn hatred and set the example. In the U.S. we do not ban the speech rather we speak out against it and deploy an array of measures to counter intolerance without banning the speech itself. The international community has also recently rallied around a consensus approach to combating religious intolerance that is embodied in Human Rights Council resolution 16/18, which sets effective means for dealing with such intolerance.

Governments violate the principles of religious freedom when they adopt one ideological expression of religion over others and impose it on the governed. It is not the job of governments to make people more religious, but rather to protect the right of their citizens to practice a faith of their choosing, or not to practice at all. It is their job to establish security for all people, protect the universal rights of all, counter discrimination when it is manifested, and to promote prosperity for their people. Religious extremists impose their ideologies, sometimes through instruments of government. We should speak out more vocally against this manipulation of religion. We should also speak out against secular governments that ban any expression of religion. In short, religion is the property of the people, not government.

In many parts of the OSCE region, minorities may experience violence and discrimination from governments or members of society. But in some places, members of a majority religious faith may find themselves the victims of repression when the government tries to control the practice and expression of that faith.

In Uzbekistan, local human rights organizations estimate that thousands of people are currently imprisoned due to their practice of a form of Islam independent of the government's approved form or for alleged membership in groups that the Government of Uzbekistan deems extremist. Such prisoners include journalist Hairulla Khamidov who is serving a six-year prison term, and Mehriniso Hamdamova, a former instructor on Islam at an official mosque who was sentenced to seven years for teaching Islam privately. Widespread, serious, and systematic violations of restrictions on religious freedom form the basis upon which the U.S. Government designated Uzbekistan as a "country of particular concern" under the International Religious Freedom Act of 1998.

Armenia continues to imprison 34 Jehovah's Witnesses for actions stemming from their religious conviction in which they refuse to serve in the military or in the alternative service. In Turkmenistan there are four such prisoners.

A number of countries have used laws on "extremism" to restrict or punish non-violent religious activity. Russia continues to use laws on extremism to target believers, including Muslims, Jehovah's Witnesses, Baptists, Pentecostals, and members of the Hare Krishna movement. Anti-extremism laws have also been used to seize or prohibit religious literature in Russia.

A number of OSCE participating States have registration requirements that are, in effect, discriminatory. Often, we are told that these requirements are designed to prevent economic

fraud or to address issues relating to tax exempt status. But registration regimes are hardly the least burdensome means to address those concerns. Registration should be used as a tool to facilitate greater enjoyment of religious liberties, not to limit the range of religious activity.

Examples of onerous registration burdens include setting minimum numbers of people required to petition for registration, or compelling those seeking registration to submit their religious doctrines for scrutiny by the authorities. In Hungary, the new religion law politicizes a basic human right by requiring a two-thirds vote of Parliament for official recognition of religious groups.

The denial of registration can have legal consequences. In some countries, those denied registration may be prohibited from building houses of worship, excluded from teaching religion in schools, refused access to co-religionists in the armed forces, social or health care facilities, or denied recognition of marriage ceremonies. In the worst instances, individuals have faced criminal sanctions for engaging in unregistered religious activity, as is the case in Belarus, Kazakhstan, Tajikistan and Uzbekistan.

Those denied registration as religious organizations are sometimes offered the option to register as civic organizations. Sadly, even this opportunity is being denied in far too many places.

Finally, we regret that bans on the use of head coverings, such as face veils or head scarves worn by some Muslims, as well as other religious attire including the Jewish kippah, Sikh turban, large Christian crosses, remain in place in some countries and are being considered in others, including in western European countries. These restrictions limit the personal expression of religious faith, and the public discourse regarding veils has fostered prejudice against Muslims. We fully support the universal human rights of freedom of religion and expression, including the individual's right to choose whether to express religious beliefs through attire. As President Obama stated in his 2009 Cairo speech, "it is important for Western countries to avoid impeding Muslim citizens from practicing religion as they see fit – for instance, by dictating what clothes a Muslim woman should wear." We welcome the Council of Europe Commissioner for Human Rights' call for governments to "stop targeting Muslims through legislation or policy, and instead enshrine the ground of religion or belief as a prohibited ground of discrimination in all realms."

Thank you.