



## United States Mission to the OSCE

# Statement for Workshop on Promoting Tolerance and Ensuring Rights of Religion and Belief

As prepared for delivery by the Most Reverend Charles Chaput,  
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to the Cordoba Conference on Anti-Semitism  
and on Other Forms of Intolerance  
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The OSCE's 55 participating States are becoming more religiously diverse. This is obvious and generally experienced as a good thing. But diversity can also bring tensions between those who hold differing views about the role of religion in society and in the life of the individual.

The state has the duty to guarantee freedom of religious belief and practice to all its citizens. In pursuing this duty, the state must take care to ensure that individual rights are respected. Peace and mutual acceptance among religious communities must also be maintained. So we might benefit from a brief look at some of the principles that should guide our thinking on these matters, in light of OSCE commitments.

The state must begin by guaranteeing the rights of conscience and religious practice for every individual. It is important to recognize that these basic rights exist for each individual, and that enforcing them on the basis of a community is not sufficient protection. The individual's right to freedom of conscience must be protected even within the religious community to which he or she may nominally belong.

The state must also reinforce religious freedom by allowing individuals to come together in groups, to build and maintain places of worship, to conduct religious education, to train religious leaders, and to pursue all the other ends that allow religious communities to develop the expression of their faith fully. This is usually done by allowing some form of legal recognition for members of a religious community to operate as an association. Many OSCE states have systems of official recognition of religious communities for exactly this purpose.

Of course, states must not use the process of official recognition to discourage religious practice, nor to control the activities of religious communities. Unfortunately, some states either recognize only a few, select religious communities, or they impose heavy, specifically tailored requirements that prevent members of certain communities from being officially recognized. Serious violations of religious freedom occur when members of "unofficial" groups cannot come together legally to worship, to operate a place of worship or pursue religious education, or to distribute their religious materials.

Under international law, religious freedom must be guaranteed for everyone, regardless of religion or culture. Grave problems can arise when the state unfairly denies registration to some religious groups, thus making unregistered religious activity illegal.

The state has a duty to promote religious tolerance and combat bigotry. But must the state also treat members of all religious communities in the same way, for all purposes? Must all groups be treated equally in areas of state cooperation with religious communities -- for example, by providing directly or indirectly for the financial support of religious institutions, tax exemptions, access to hospitals, prisons or the military, or the ability to teach religion in state schools?

Various European states organize religious communities into differential “tiers” – reflecting national history, culture and demography – that govern access to state cooperation. This is not, in itself, contrary to religious freedom so long as the identity and freedom of practice of every religious community are respected. Formerly communist countries, however, have a uniquely demanding task. They often seek to rely on majority religions as an anchor for their national identity. But where the rule of law is weak, such efforts can easily result in discrimination against members of minority religions. Russia, especially at the local level, is grappling with this issue right now. As a result, members of the Russian Protestant, Catholic, Muslim and other religious minorities encounter significant difficulties.

The state and religion have a complex legal relationship in many OSCE countries. But all such laws should at least comply with OSCE obligations. The OSCE’s Office of Democratic Institutions and Human Rights (ODIHR) can advise states in this regard. It issued guidelines on legislation as recently as 2004. The OSCE voices concern when a state's legislation may discriminate against members of religious minorities.

To summarize, OSCE states should:

- Guarantee the freedom of conscience and religious practice and belief in both its individual and community dimensions;
- Ensure that everyone is free to come together to manifest his or her religion or belief, including through worship, practice, observance and teaching;
- Refrain from using official systems of recognition or registration to bar members of some groups from practicing their religion or belief;
- Limit the freedom to practice religious belief only in those circumstances permitted under international human rights law;
- Refrain from singling out religious activity in general, or the activities of certain religious groups in particular, for special interference -- rather than relying on criminal codes or other laws that apply to all citizens, regardless of their religion or belief; and
- Ensure that any differential treatment among religious communities does not violate basic minority rights nor by itself become an excuse to deny the freedom of religion or belief owed to members of other religious groups.